MODERN

Battles of Trenton,

BEING A

History of New Jersey's Politics and Legislation from the Year 1868 to the Year 1894.

BY

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TO THE THOUSANDS

OF MY

PERSONAL FRIENDS IN NEW JERSEY

WHOSE

PARTIALITY HAS MADE ITS PUBLICATION POSSIBLE,

THIS VOLUME

IS GRATEFULLY INSCRIBED.

PREFACE.

THE story traced in these pages is that of the most important, interesting and eventful quarter century, take it all in all, in the history of New Jersey. It is one view—only my view, if you please—of the origin, the rise and the decay of a political dynasty, so to speak. Old masters pass out of sight in the earlier chapters; the new masters who forced them off the field of action pass out of sight in the closing chapters. It was not the purpose, when the work was first contemplated, to present the rounded story of an era in politics and legislation. I expected merely to lay before the reader my rather desultory observations of the spring and current and movement of public affairs during the years when I was on hand with my note-book—to describe events and chat about the men who shaped them. But the inexorable tread of events was fashioning the sequel to my story even while I was penning it; and, without anticipating it, I find myself the accidental historian of an Epoch—and of an Epoch, too, of more than passing interest to Jerseymen.

Nor alone in its political phases is the quarter century epochal. It is the story of an epoch in development and progress as well. The quarter century has seen disturbing controversies set at rest, and the relations of the State to her subjects definitely settled upon lasting lines. It has seen the schools made free, a riparian policy defined and enforced, the yoke of the old monopolies that made the Commonwealth a by-word in the mouth of the nations thrown off, the corporations that defied her sovereignty brought within the reach of the tax-gatherer, her system of legislation fundamentally reconstructed, great public buildings reared—and great things begun and accomplished in all directions.

The labor I have put upon the pages which cover the story of this eventful epoch has been especially grateful to me, because, from the encouragement the public men of New Jersey gave me when I first suggested the work, I feel as though I had been especially commissioned by them to tell it for them. I trust that I have discharged the commission with becoming candor and conscientiousness, and that, now that the fruit of their partiality is before them, they will see no reason to repent of the selection.

It is but just that I should add that in the work I have thus undertaken and completed, my brother, Clarence, has rendered me valuable assistance.

CHAPTER I.

WHICH IS IN THE NATURE OF AN INTRODUCTION, AND, THOUGH ANCIENT HISTORY, SHOULD BE READ FOR A FULL COMPREHENSION OF THE CHAPTERS WHICH FOLLOW.

THERE was, it is needless to say, a period in the history of the State of New Jersey when her territory was a wilderness. New York had built up a population and a promising settlement had formed at Philadelphia, before New Jersey's woodlands were invaded by the axe of the pioneer. Though the Commonwealth lay between these two rapidly-growing communities, her progress and development were noticeably slow; and the hope of assisting her growth by artificial methods prompted her leading men to tempt enterprises likely to aid her, with the most glittering allurements she had to offer. The old-time stage-coach, with its changes of horses and drivers at the end of every ten-mile run, that spent a whole day in making the distance between the booming municipalities at either end of her, was hailed as a great boon by the pastoral people who had built their cabins upon her soil; and it did, indeed, give an impulse to settlement. But it was all too feeble a one; and when a party of progressive capitalists talked about opening up her territory with a railroad crossing her from the Delaware river line to Raritan bay, and running a new machine called a locomotive over it, the people went wild with joy, and were ready to encourage them by any gifts of lands or franchises, and even of money, they saw fit to ask, and she found it possible to give. The project became at once the almost exclusive topic of gossip and discussion in the taverns and at town meetings; and, when the Legislature of 1830 met, it was everywhere understood that nothing the State could do to promote it was to be withheld. Before the session had grown many weeks old, the promoters of the enterprise were in

Trenton consulting with the legislators about the terms upon which the State would bargain with them, and when the Legislature adjourned the new railroad had not only been put in commission, but had made its own terms with the State authorities.

The running of a railroad across her surface was at that time everything but a remunerative enterprise; it was doubtful, indeed, if this particular enterprise could ever be made to pay, and the projectors were loath to undertake it unless the State would guarantee them against the rivalry of other capitalists who might be inspired by its success, if it were successful, to establish competing lines. And so the company's charter conferred a monopoly of all the service between New York and Philadelphia upon it; and, because the imposition of the tax upon its property would take from its treasury some of the money needed to carry the enterprise forward to success, it was exempted from a large part of the public burdens. It was to pay a trifling transit duty into the State treasury—and not even that till it had become a dividend-earning concern.

The point from which these enterprising builders proposed to start their road was known as Camden—then a mere name given by courtesy to a railroad shed. The point to which they proposed to run was South Amboy, on the eastern shore of the State; thus the new venture came to be known as the Camden and Amboy Railroad. From Amboy, New York was to be reached by boat. At that time Perth Amboy, fronting on a broad bay that afforded exceptional harbor facilities, was expected to outstrip New York and was looked upon as the coming metropolis of the country. The projectors of the railroad would have made this promising locality their terminal but for the fact that it would be necessary to bridge Raritan bay at a great outlay of money; and so, as the more accessible, South Amboy was chosen.

The company was immediately organized, and a few years later, what is now claimed to be the first locomotive ever used for railroad traffic in the country, was put upon the rails at Bordentown. During the Columbian Exhibition of 1893, at Chicago, this primitive contrivance was taken out of the shops

of the now monster corporation on the Hackensack meadows, at Jersey City, and furbished up for exhibition. Ambitious to display the whole train as she had been equipped for her first trip from Bordentown, the railroad officials sent agents all over the State to hunt up the two passenger coaches that she had drawn. Among the rubbish of an old shop up in Sussex, one was found; the other, minus its wheels, was doing service as a hen-coop at one of the old towns in Middlesex. They were mounted on trucks, and, gay with flags and bunting, were sped behind the locomotive across the country to Chicago. It was unique and a curiosity, and the train was hailed by great throngs at every depot past which she rolled.

To return from this digression, the charter of the company which resurrected this curiosity of its primitive days for the amusement and instruction of the people sixty-four years after it had instituted the system of locomotive travel, required that the construction of the road should be commenced within two years and completed within nine. The State reserved the right till January 1st, 1831, to subscribe for one-quarter of the capital stock, and the privilege, for three years at the expiration of thirty years, of taking the works at an appraisement. The construction of another railroad, with terminals within three miles of its termini, was to free the company from the payment even of its transit duties. The act of 1831 made this monopoly privilege even more stringent by enacting that no other railroad should be constructed across the State within three miles of its line until the expiration of the nine years limited for its completion. In exchange for this exclusive privilege the railroad company gave the State a thousand shares of its stock, with dividends, but with the understanding that, upon the construction, by authority of the State or of the United States, of another railroad between New York and Philadelphia, the shares should be given back. It may be said incidentally that, notwithstanding the fact that the State has since chartered many railroads, these shares are still among her assets. By the time the first propositions for railroads were made, the shares had become exceptionally valuable, and one of the weapons the railroad company used

for the perpetuation of its monopoly was its threat to force their return in pursuance of the arrangement under which they were taken; but the continued possession of the shares by the State was purchased by the extension of other privileges to the railroad company.*

It was not long after the Camden and Amboy monopoly had been established by the State before an equally-important movement was started on the water front at Jersey City. Jersey City was the point on the Jersey shore that was most available for railroad purposes, because it was directly opposite the heart of the metropolis. At that time it was little more than a neck of land projecting into the water at about the place where the Pennsylvania Railroad ferries are now located. It was known as Paulus Hoeck, and through the keen foresight of Alexander Hamilton had, away back in 1804, become the property of "The Associates of the Jersey Company." From an interesting history, prepared in 1883 by Mr. Charles B. Thurston—for over twenty years, and even at the time of this writing, Secretary of the Associates—and

Charles B. Thurston.

* It was thought this was done quite as much for the purpose of assisting the completion of the roads as for the investment. The State parted, as time went along, with most of the stock that thus came into its hands, and always derived a handsome revenue from it; but General Robert F. Stockton, son of old Commodore Stockton, and who was for three years Comptroller of the State, is authority for the statement that if the State treasury had held all of the stock which it has from time to time exchanged for franchises to railroads the dividend from the stock would by this time have paid all the expenses of the State government.

designed to show the title of the Associates to the shore front, the story of the absorption of the valuable water privileges at that point is gleaned.*

The extreme eastern point of the upland at that time was about where Warren street runs now—the filling in since done by the railroad has extended the solid ground 1,500 to 2,000 feet into the Hudson river. Above Paulus Hoeck and below it the shore was escalloped by deep coves—that on the north known as Aharsimus, a name which the Indians had given to it, and since corrupted into Harsimus; that on the south, called the South Cove. The jut of land was the property of Cornelius Van Vorst, Anthony Dye, Richard Varick and Richard Radcliffe. With his wonderful business eye Hamilton saw the commercial future of their holdings, and he framed the bill incorporating the Associates of the Jersey Company for its purchase. Notable names were among those of these Associates. Old Governor Pennington, Judge Aaron Ogden, Isaac H. Williamson, whose son Benjamin was afterwards one of the famous Chancellors of the State; General Cummings, of Newark, and Israel Condit, of Newark, were some of them. By their charter the Associates were given the privilege of owning not only the upland but the land under water beyond it, and of improving it.

It was Hamilton's idea that the particular value of this acquisition lay in its availability for ferriage purposes; and, so that the Associates might enjoy an absolute and undisputed monopoly of transportation across the river from that point forever, he prepared a form for their use in the sale of their acquired upland which reserved to the Associates always the enjoyment of the ferry privileges. Every deed given by them to purchasers of any part of the land expressly forbids the use of it by the purchasers for ferry purposes. By this far-seeing precaution the famous Secretary secured to the Associates for all time an exclusive monopoly of the right to use the shore front for the transportation of passengers from Jersey City at any point between Harsimus and

* Those who are interested in more than is here taken from Mr. Thurston's narrative, will find the whole narrative reproduced in an appendix at the end of this book.

the South Cove. A tavern keeper on the water front established a sort of a ferry between the Hoeck and New York, and paid rental to the Associates for many years before the value of it for the larger purposes of commerce developed.

At about the time that the Camden and Amboy began its struggle to establish communication between New York and Philadelphia, Dudley S. Gregory and Russel H. Nevius conceived the idea of extending a railroad line from the inn-man's ferry westward into the State. This eventuated in the organization of the New Jersey Railroad and Transportation Company, whose route was by stage over Bergen Hill to the Hackensack slope, and thence by train onward to New Brunswick. As the concern grew busy and wealthy, the necessity of securing control of the ferry privileges on the water front became apparent. The one way of accomplishing this was by securing a controlling interest in the stock of the Jersey Associates. The directory of the Railroad and Transportation Company sent out its agents to buy blocks of stock wherever they could. Mr. Gregory was among those who assisted them, and in the course of time they had secured from a number of the Associates a sufficient number of the shares—at $430 per share—to put them in practical possession of the Associates' ferry monopoly. In course of time a serpentine roadbed was blasted through Bergen Hill; the stage-coach service was abandoned, and trains were run direct to the water front.

The attention of the Camden and Amboy was soon directed to this new enterprise by two circumstances. The New Jersey Railroad and Transportation Company offered a more direct communication with New York than that which the old road had established at South Amboy. The new road was, besides, coming into uncomfortable competition with it for some of its traffic. It was not long before a proposition for a lease, or a consolidation, or a merger, was sent out, and eventually the new road went under the wing of the older company. This shrewd move confirmed the Camden and Amboy in the enjoyment of its transportation monopoly between New York and Philadelphia. By acquiring possession of all the water front available for ferry purposes opposite the heart of the metropolis, it was enabled to

exclude any competing line from reaching New York as directly; and for many years the chief struggle between it and lines that sought competition with it was due to their efforts to break its monopoly at this point, and secure a foothold near its own.

About the time the New Jersey Railroad and Transportation Company projected its line, a road connecting Trenton and Philadelphia was laid out and chartered, and this, too, entered into traffic arrangements with the Camden and Amboy; thus the old monopoly came into control of a continuous line direct from New York to Philadelphia—over the New Jersey Railroad and Transportation road from New York to New Brunswick, over the Camden and Amboy from New Brunswick to Trenton, and from Trenton over the Philadelphia and Trenton Railroad into Philadelphia. The three linked roads came to be known as the United Railroad Companies of New Jersey, and Ashbel Welch was the first President of the consolidated concerns. With a closer communication between the two big cities it had started to serve, the Camden and Amboy abandoned its depot at South Amboy for passenger purposes, and carried all of its riders to the ferry at Jersey City, where they were within five minutes' sail of New York.

The establishment of this through route was regarded as so large a boom to the prosperity of New Jersey—so important a step toward the development of its resources—that the Legislature, in authorizing the consolidation of the three companies under the title of the New Jersey Railroad and Transportation Company, agreed to absolutely prohibit the construction of any competing line between New York and Philadelphia, except with their consent; and they bound themselves to see that the transit duties, which they paid in lieu of taxes, and the dividends on the State's shares of the stock, did not fall below the munificent total of $30,000 per year.

It was many years before either the Delaware, Lackawanna and Western or the New Jersey Central found a way of extending their lines to tide-water at the metropolis, and during that time they were forced to enter into traffic arrangements with the favored company. The Jersey Central, which had estab-

lished a line that was trying to make its way to Easton, Pa., fed into the road of the New Jersey Railroad and Transportation Company at Elizabeth, and paid toll on all of its passengers for the privilege of riding them over the rails of the New Jersey Railroad and Transportation Company to New York City; but it was all the time reaching out for a water front equal to that of the New Jersey Railroad and Transportation Company at Jersey City, and commanding as easy access to New York. Through the Jersey Associates, the New Jersey Railroad and Transportation Company had, as has been already narrated, secured possession of all the available ferry sites on the Jersey City shore, and if a contiguous ferry was to be secured, there was no way to get it except by making the ground. John Taylor Johnston, who was the moving spirit in the New Jersey Central Railroad, inspected the Mud Flats, with their shallow overlay of water, in the South Cove, and concluded that hundreds of acres might be redeemed from the river at that point by solid filling, and turned into the mammoth railroad yard his company desired. The Cove cut deep into the shore, and it was easy to see that an enormous outlay of time and money would be required to make new land, out to deep water; but he and his associates undertook it. For years and years scow loads of the foul refuse of the New York streets were dumped upon the Flats, to the peril of the health, as well as to the discomfort, of the residents of Jersey City, whose homes, invaded by the odor, were made almost uninhabitable. In the face of all their protests he persisted with the work till the land began to show above the water; and thousands of acres stolen from the river, and added to the area of Jersey City, gave the railroad which he managed terminal facilities as accessible to New York as those the Camden and Amboy had acquired.

The Morris and Essex likewise found it impracticable for many years after it had been incorporated to make a direct communication with the roadbed of the joint companies, and the coaches containing its passengers for New York were, on reaching Newark, unhitched from its locomotives at the point where its Broad street station is now located, drawn by horses through

Broad street to Centre, and down Centre to the station of the New Jersey Railroad and Transportation Company, and there attached to a train to be drawn into Jersey City.

The Morris and Essex Railroad was the pet project of Commodore Stevens, of Hoboken. The Commodore was a conspicuous figure among the engineers of the country, and before his death, earned the reputation of being an inventor of marked originality. The Stevens Battery, which provoked endless newspaper talk for many years, was the work of his hands and reflected much genius, though at the end it proved to be an elephant on his hands. He was the founder of the family of Stevens whose baronial estate at Castle Point, in Hoboken, became known to all the society folks of this section of the country. In its earliest history, he owned the larger part of the territory upon which the city of Hoboken has since been built, and he was looking forward to the time when it would be possible to bring his own road to the water front there.

Bergen Hill towered between this water front and his eastern terminus, out beyond the Hackensack Meadows. The piercing or crossing of this height presented serious engineering difficulties that the Commodore hesitated to solve. But he had it in his mind to attack them some day, and in the hope of making his road, when it should be carried to the water front, a successful competitor, he was bitterly against the continued extension of monopoly rights to the Camden and Amboy Company. The Amboy managers found in him a foeman worthy of their steel, and they deemed it wise to placate him. The result was the making of this traffic arrangement that carried his cars from Newark to Jersey City over the Amboy line, and an understanding that when he should be ready to run his locomotives under the crest of Bergen Heights, the Amboy managers would make no active opposition.

The construction of a tunnel through Bergen Hill was undertaken some years later by a party of capitalists promoting the construction of the Erie Railroad; and at about the same time there was friction between Commodore Stevens and the New Jersey Railroad and Transportation Company's officials concerning the division of the toll money taken at the Jersey City ferry. The

Erie tunnel projectors became cramped financially in the prosecution of their enterprise, and applied to Commodore Stevens for aid. He made the loan of $107,000 needed for the completion of the tunnel on the engagement that his road should also use it. When daylight was finally carried through the hill, he withdrew from his traffic arrangement with the New Jersey Railroad and Transportation Company, and for years his road and the Erie jointly used the tunnel.

Relations between these two new allies became strained in the last year of Governor Randolph's administration, over a six-foot track, which had been substituted for one of the four-and-a-half-foot tracks with which the tunnel was fitted. The Morris road insisted upon its right to use those rails as well as the other road, and the Erie resisted. Determined to make the connection, the Morris road folks sent a squad of laborers one night to insert a "frog," at the west mouth of the tunnel, that would admit trains from their road to the disputed rails. One of the most exciting railroad wars in the late history of the State was the result. "Jim" Fisk, the ruling genius in the Erie Railroad, had got wind of the movement, and when the Morris and Essex laborers appeared upon the scene to lay the "frog" they found their work blocked. Erie locomotives, the heaviest of them, had been steamed up to the point of attack, and lay over the very spot where they had expected to work. A pitched battle between the laborers and the locomotive hands occurred during the night, and, the train hands being reinforced by great gangs of Erie laborers, a serious riot, that was not quelled till Governor Randolph called out the militia, ensued. The Governor himself was largely interested in the Morris and Essex Railroad; and the State Guard, with their rifles and a cannon or two, kept the Erie brigade at bay until the "frog" had been inserted. The traffic of the two roads increased so largely as time went on that the one tunnel was not enough to accommodate them, and soon after the close of the famous "frog" war the Morris road people made a sale of their tunnel rights to the Erie, and blew a tunnel for their own use through another part of the hill.

What has been written shows that the little enterprise of the

Camden and Amboy Company, which the State so carefully nursed in the hope that it might be successful and the fear that it would not be, grew rapidly to prosperity and wealth. Population followed the line of its rails, settlements sprang up in the wilderness as fast as locomotives pushed through the forests, and its whole route from Philadelphia to New York became dotted with attractive and prosperous towns.

It became one of the main thoroughfares of traffic between New York and all points South and West, and grew with almost magical speed into an enormous and wealthy corporation. Its early alliance with the Legislature of the State, and the popular enthusiasm with which its coming had been hailed, and the State's habit of conceding to it, for the purpose of increasing her own prosperity, whatever of privilege or franchise or exemption, or even monopoly, it asked, made it arrogant and aggressive, and it soon came to be recognized as the power behind the throne in the control of all the affairs of the Commonwealth. It went into the counties, picked out its own nominees for places in the Senate and Assembly and secured their election to the seats for which they stood. The ambitious politician, hopeful for public honors, had first to make his peace with this rapidly-growing monopoly and to secure its favor and consent to his canvass. Such a thing as a candidate announcing his opposition to the railroad company and surviving the election was almost unheard of in State politics. Once in a while a man, permitted to reach a seat on the assumption that he would be favorable to its schemes, would show a disposition to curb its greedy reach for power. With its rich treasury it brought him into line with the majority of his fellows, and never failed to punish him for his temerity by defeating his re-election to his seat at the next poll. The legislation proposed for the people was all scrutinized at the companies' offices in Trenton and allowed to go through if the company was favorable or indifferent, but its disapproval doomed it to certain defeat. It selected the Governors of the State, picked out the men who were to go to Congress and named the United States Senators. So absolute was its control of all departments

of the State government that the State itself came to be known derisively among the people of other States as the State of Camden and Amboy. It went into the cities and towns and controlled Councils and Mayors with the same iron hand. It absorbed property of great value everywhere, and taking it out of the ratables increased the tax burdens of the community from which it was withdrawn. There never was a more complete master anywhere of the destinies of a State than was this monster monopoly of the affairs of New Jersey. Its enterprise reached out in a thousand different directions, and there came a time when the State that had taken the corporation to its bosom as a child began to fear it as a master.

CHAPTER II.

WHICH TREATS OF THE FIRST MOVEMENTS TO DISLODGE THE CAMDEN AND AMBOY MONOPOLY, AND DISCLOSES INCIDENTALLY THE INFLUENCE THE LEASE OF THE OLD LINES TO THE PENNSYLVANIA RAILROAD COMPANY HAD UPON THE PROGRESS OF THE BATTLE FOR A COMPETING LINE.

THESE introductory explanations are made, because, all through the work upon which I am now engaged, the railroads, and especially the Camden and Amboy and its successor, the Pennsylvania, present themselves as important factors in the control of State affairs. The success that had attended the Camden and Amboy's operation naturally enough roused the ambition of other capitalists for like enterprises, and as its growth was due almost entirely to the fact that it controlled the traffic between two important cities, the chief aim of rival operators was to make a line parallel with it. Because it had acquired quite as advantageous a tide-water terminal at Jersey City, just south of the Joint Companies' terminal, all of these rival organizations looked to the Jersey Central Railroad to admit them to New York. The Jersey Central had, soon after reaching its water front, attempted to establish a competing line by the extension of its New Jersey Southern branch out through Red Bank and Toms River towards Philadelphia. But the route was so circuitous and the time of travel so long as to defeat the purpose its projectors had in view in building it. Senator Torrey, whose father, John Torrey, was its most enthusiastic backer, was especially conspicuous in promoting the passage of its charter under the name originally of the Raritan and Delaware Bay Railroad. Manchester, down in the Jersey pines, was selected as its central business station, and the establishment of its car shops there built the town into quite a flourishing community.

To secure the means of prosecuting the enterprise, Torrey made a loan through Brown Brothers, of New York, with the Bank of England for $450,000, and as the money was advanced on woodland that was of scarcely any value the loan became famous in the history of financial operations. The decadence of the railroad robbed Manchester of her early glory; the shops were closed and the homes deserted, and a foreclosure to force the settlement of the mortgage finally became necessary. The heirs of the Torrey estate bought in the property, however, to protect the titles of those who still made their homes in the town.

It became apparent, immediately after the Southern Railroad had entered upon business, that it would never answer for a competing line; and larger hopes were built upon the possibility of extending the Central Company's main line onward to the Quaker City. Till Somerville was reached the main line pointed straight at Philadelphia and there it veered westward toward Easton. It succeeded in pushing its way Philadelphia-ward as far as Bound Brook and there its progress was blocked. From the other direction, a corporation known at that time variously as the National Line, and the Air Line, but subsequently absorbed into what is now known as the Reading Railroad, had extended its line northward from Philadelphia to a point on the Pennsylvania side of the Delaware river about opposite Trenton. All the ambitious projectors of rival roads saw that the linking of these two roads by a little spur extending from Trenton to Bound Brook would complete the much-sought through route between the two important cities that fed the Camden and Amboy. For four or five years the State was torn by the dissensions between the Camden and Amboy owners and these rival promoters for a franchise that would authorize the laying of rails over this disputed territory, and the little section of the State that lay between the Bound Brook end of the Central and the Trenton end of the Air Line became famed all over the country as a battle-ground of the railroad giants. At each session of the Legislature, for years, the promoters of the rival lines urged their claims upon the Senators and Assemblymen, and the Camden and Amboy monopolists sent them

home as often with a good deal more experience but a good deal less money than they had started out with.

They succeeded in making much of public talk about the closeness of the relations that existed between the Camden and Amboy and the State, however; and the newspapers felt that they were scoring a great point against the Camden and Amboy's domination when they described the system of transit duties which it paid into the State Treasury in lieu of taxes, as a tax upon the passengers and declared that whatever the Camden and Amboy contributed toward the support of the State was taken out of the pockets of its New York and Philadelphia patrons. The transit duty system was easily made unpopular in New York and Philadelphia by its presentation in this light, and in 1869 Governor Randolph sent a special message to the Legislature in which he advised the substitution of another and better system for it.

"Provision should be made," he wrote, "for the establishment of a just and uniform rate of taxation upon all railroad and canal companies, subject to such changes in the rate as the Legislature may direct. * * * I am convinced that the present mode of obtaining revenue is inconsistent with the spirit of our people, the more enlightened and just modes of taxation experience has developed, and unequal, also, in its operations upon our citizens. The operation of the system, too, is either persistently misunderstood or willfully misrepresented by the citizens of other States."

As a result of these recommendations, a bill was introduced into the Houses, and whipped through both of them in a single day, imposing a tax of one-half of one per cent. upon the cost of the Camden and Amboy Railroad, "till such time as a law imposing a general railroad tax should be passed."

The Legislature of 1870 saw an attempt made to connect the National line with the Central, by the introduction into both Houses at the same time of a bill granting a franchise for a road between Millstone and Trenton. Tracks between these two points would have completed the Philadelphia and New York connection, but the act authorizing their laying was presented to

the members as for the construction of merely a little local road. Assemblyman Clark, who was evidently a Camden and Amboy spokesman on the floor, made announcement of its larger scope when he described it as designed to secure a continuous road from Philadelphia to New York, "for a corporation chartered by Pennsylvania in which the State of New Jersey had no particular interest." After it had been defeated by an adverse report in the Assembly, Assemblyman Winton, of Bergen, backed by Bevans, of Hudson, attempted to secure a reconsideration; but Leon Abbett, who was Speaker of the House at the time, stepped down from the dais and opposed the reconsideration on the ground that "the idea underlying it was a train flying across New Jersey from New York to Philadelphia in one hour and fifty minutes without stopping at a single one of the intervening Jersey towns or villages," and urged this local objection to a corporation that proposed to use the State only for a convenience with such fervor that the attempt to reconsider failed by even a larger vote than that which had sustained the adverse report.

The companion bill, that had been placed on the Senate files, was met there by the introduction, under Camden and Amboy auspices, as a foil, of a bill chartering the Mercer and Somerset Railway Company between precisely the same points. Such well-known Camden and Amboy men as Ashbel Welch, Robert F. Stockton, John G. Stevens and A. L. Dennis were among the incorporators; and its Camden and Amboy origin was further revealed by the clause which gave to the Camden and Amboy stockholders power to subscribe to the stock. The special allurement with which the promoters of the Millstone and Trenton Railway bill tried to tempt the State into granting the charter, was the offer of half a million dollars to the State treasury in exchange for it. Senator Little, of Monmouth, who thought that the State of New Jersey should not sell these franchises, aided by Senator Taylor, of Essex, who thought that a woman should as soon sell her virtue, attacked this particular part of the bill, and had it stricken out of it. The fate of the measure was sealed from that day onward to the close of the session. Its promoters realized that if they could not induce the State to give

up the franchise for half a million, they certainly could not persuade her to make the gift for nothing, and, both Houses having thus set their faces against it, the attempt to build the rival road was for the year abandoned.

Meanwhile the Camden and Amboy control had undergone a change that robbed it of half the local argument with which it had been armed. The joint companies had leased all their lines to the Pennsylvania Railroad Company, a corporation whose directory was quite as full of foreigners as the directory of any of the competing roads that had sought to use the soil of the State. Jersey Legislatures had excused themselves for protecting the Camden and Amboy against all comers, on the ground that she was managed by Jerseymen, and devoted to the promotion of New Jersey's growth while these outside concerns were the projects of men who were not to the manor born, who cared nothing for New Jersey, except so far as she could contribute to the comfort of travel between the two cities outside of her, and who, as Abbett had said on the floor of the Assembly Chamber, did not propose to even stop their trains anywhere within her limits for the accommodation of her citizens. The argument, based on State pride and State development, that had been effective against these foreign rivals of the road which the State herself had nursed into strength, was lost the moment the State's own road, as it were, passed out of the hands of Jerseymen into a control that was no less foreign. It was even urged that the arrogance and arbitrariness of the foreign concern that had taken possession of the Camden and Amboy properties should be checked and punished by the chartering of its competitors and the impairment of its business. The loss of popularity among Jerseymen, due to the changed status of the joint companies, not only encouraged the rival lines to fight with the more vigor for their charters, but was reflected in the greater difficulty the old monopoly experienced in defeating them. Appeals to State pride and State interest were vain, and the corrupting influence of money and lobby was called in to replace them.

CHAPTER III.

Which Treats of the Horseshoe Assembly District Gerrymander, of Walsh's Nomination for Governor and of His Defeat by Joel Parker, with an Incidental Sketch of the Men who Made Up the State House Autocracy of that Day.

IGHT was lost of these absorbing railroad rivalries in the political excitements into which the State was plunged when they seemed about to reach a culmination. The Legislature of 1869 was controlled in both branches by the Democrats. The Federal Government was preparing to make the usual decennial count of the people in the nation in 1870, and it was to fall to the lot of the Legislature of the following year, 1871, to make a re-apportionment of Assemblymen among the counties on the basis of the State's new population figures—that is, the Constitution devolved upon it the function of fixing the number each county should hold of the sixty seats in the Lower House, and of marking out the boundaries of the districts from which the men who were to fill them should be chosen. The possession of the Legislature in re-apportionment year was counted nine points of the law. It gave the party in control an opportunity, by juggling with the geography of the State, to perpetuate its supremacy. The votes could be so apportioned and the district lines so arranged as to aid its candidates and handicap those of its opponents.

The Democrats were in control of both branches in 1870. To assure themselves of the majority in the Assembly of 1871 they planned a series of changes in district lines that were expected to be favorable to the chances of their candidates. The warring railroads struggled as hard as the party managers to turn the new apportionment to their own advantage. It was their desire also to see the districts arranged in a way

that would enable them to secure most easily the election of their own men to the chamber. The Pennsylvania Railroad Company, with a directory in sympathy with the Republican party, was opposed to the anticipation by the Legislature of 1870, of the decennial re-apportionment of 1871. The conditions of the time were not unfavorable to Republican success, even in New Jersey, in the fall, and there was an idea abroad that if these partisan anticipations of the redistricting era could be balked in the Legislature of 1870 it might be possible to produce at Trenton the following winter (1871) a Republican Legislature to make a thorough re-apportionment upon Republican lines. The Democratic caucus was all the more eager as a consequence to have the work done by the Legislature of 1870.

The redistricting bills were devised and sent to the Clerk's desk for enactment. The moment they made their appearance some of the Democratic members began to make protests against the way their particular districts had been laid out, and during all the session, up to within a few hours of its close, they contended and disputed over the final shape the bills should take. Speaker Abbett was severely criticised on the suspicion that he was winking at these delays, but in the last hours of the session he forced them to the House calendar. When they were offered for passage but fifty-seven of the sixty members were in attendance. Herman D. Busch, who enjoyed the double distinction of being the fattest man in the State and of representing Hoboken in the Assembly, and Assemblyman Probasco, of Hunterdon county, were absent, and a little handful of the slim Democratic majority present were numbered among those who were in the opposition. Caleb H. Valentine, of Warren, one of the most showy orators of that session; Assemblyman Samuel Warthman, of Camden; Charles C. Grosscup, of Cumberland, and Levi French, of Burlington, were of this number. Valentine had been making florid speeches in favor of a new county to be called Musconetcong, and it was said that he had promised, in exchange for Republican votes for his county bill, to cast his vote against some, if not all, of the Democratic caucus measures. The reasons that influenced the others in their defection are only

conjectural, but it did not escape observation that they represented counties where the old Camden and Amboy influence had always been, and is even to this day, well-nigh supreme. Speaker Abbett doubtless knew when he forced them to a vote that they were likely to be beaten, but concluding that they might as well be slaughtered in the open as secretly smothered to death, he insisted upon a roll-call upon them. In the vote, Valentine assisted the Republicans to beat two; Warthman cast his vote against two, and French and Grosscup aided in the defeat of a third. The result was that the Legislature adjourned, leaving to the Republicans this important function if they should capture the next Legislature.

Having escaped the handicap the Legislature of 1870 endeavored to put upon them, the Republicans went into the campaign of the fall with hot zeal. The parties fought with bitter partisanship for two shining prizes that were to be the rewards of victory. It was preordained that the party that controlled the re-apportionment would make it with a view to maintaining its supremacy for years; and the Legislature was, besides, to name a man to succeed United States Senator Alexander G. Cattell, whose term was to expire in the following March. The Pennsylvania Railroad Company, eager to command a following that would protect it against the encroachments of rival corporations, plunged into the campaign as an active ally of the Republicans.

Thus was returned to Trenton in 1871 a Republican majority in both Senate and Assembly. The railroad's supremacy in both Houses was so pronounced that the National Railway people felt that a fight for a franchise that year would be an almost hopeless one, and, after making an exhibition of their teeth, they retired from the ground. For a bluff, they attacked the lease of the Camden and Amboy property to the Pennsylvania Railroad Company, and then made a bold display of their own hand by asking outright for a charter for the incorportion of the National Railway Company. Theretofore, their policy had been to secure furtive legislation for a charter that on its face merely put a little local line somewhere in commission, but that really, with the already-granted charters for other lines, completed its through

line to New York. The offering of an act for the direct incorporation of a rival line was only intended, apparently, to keep the public interest in the question alive. For the first time since the rivalry had begun, the National people had now thrown down the glove to the monopoly that controlled the State Legislature. It was little else, however, at this time, than a notice to the Pennsylvania managers that the issue was about to be forced upon them. The act was not pressed with any vigor, and the close of the Legislature was reached without any special excitement over it. It named as incorporators, Henry M. Hamilton, A. Bailey Clark, Isaac B. Culver, Henry Lewis, Robert B. Cabine, Matthew Baird, Jacob Reigel, Samuel K. Wilson, Alfred S. Livingston, Charles Smith, Delos E. Culver, James Moore, John McGregor, Sidney Dillon, Franklin J. Mallory.

The accession of the Republicans to power gave them so much partisan work to attend to, that this "flyer" of the National Railway Company attracted little attention. Besides the election of Senator Cattell's successor, and the perfection of the redistricting and re-apportionment act to the best partisan advantage, they had no end of State offices to bestow upon partisan favorites, and no end of bills to pass for the delivery into Republican hands of the municipal governments all over the State. It was the commencement of one of the most disastrous revelries of partisanship that the State had ever seen. Before it was ended one of the State officers chosen by the joint meeting was discovered, when, grey-bearded man as he was, he was hunted out of questionable surroundings in Philadelphia a few years later, to have wasted upon wine and women close on to a hundred thousand dollars of State moneys. One of the Senators who, by the government he induced the Legislature to establish over the locality he represented, succeeded in making himself a powerful local boss, died in the State Prison while undergoing a term of imprisonment for robbing the community that trusted him. Two cities were driven by the extravagances and corruptions of the rings the Legislature forced upon them, into bankruptcy that set them back twenty-five years in growth, and the Treasurer of a third, which narrowly escaped the same fate,

rushed off to Mexico with sixty thousand dollars of its money, and then paid it all over to a Mexican bandit for protection against his pursuers.

These unworthy rulers acquired this baleful control of municipalities by routing the chosen servants of the people from the local places, and replacing them with others named in the joint meeting of the two Houses; and in order to insure themselves against disturbance, they fastened upon the State, through the re-apportionment and redistricting that the Legislature of 1870 had left in their hands, a gerrymander of Assembly districts so manifestly unfair that it became the talk of the nation. The Jersey City "Horseshoe," into which the entire Democratic vote of that Democratic city was huddled and allowed but a single Assembly vote, while a smaller Republican constituency was broken up into a half a dozen districts with, of course, a half a dozen Assembly representatives, was one of its products. The voice of the State was stifled through it so thoroughly that even when the Democracy rolled up a total majority of 15,000 to 18,000 throughout the Commonwealth, the Assembly yet showed an overwhelming Republican majority. It was so notable a piece of political engineering that it set the cue for gerrymanders all over the country, and was cited as a precedent twenty years later for an equally infamous Democratic gerrymander. The questionable distinction of introducing this disfranchising enactment falls to Senator Torrey, of Ocean.

The caucus for the United States Senatorship was the one reputable proceeding of the Legislature. The names of Cornelius Walsh, an Englishman of Newark, who had accumulated something of a fortune in the manufacture of trunks; of Cortlandt Parker, a noted advocate of the same city, and of Frederick T. Frelinghuysen, the courtly son of a family already famous in the annals of statesmanship, and himself a former Attorney-General of the State, were presented. Mr. Parker did not show much strength among the members; Frelinghuysen's name and capacity commended him to all hands, but Walsh's wealth made him, in spite of his English lineage, a dangerous

rival. It was only after Walsh had been bought out of the competition by the promise of the nomination for the Governorship in the fall, that the way was opened for Mr. Frelinghuysen's election. Mr. Frelinghuysen was chosen when the joint meeting came, over Governor Randolph, whom the Democratic caucus had put in nomination against him.

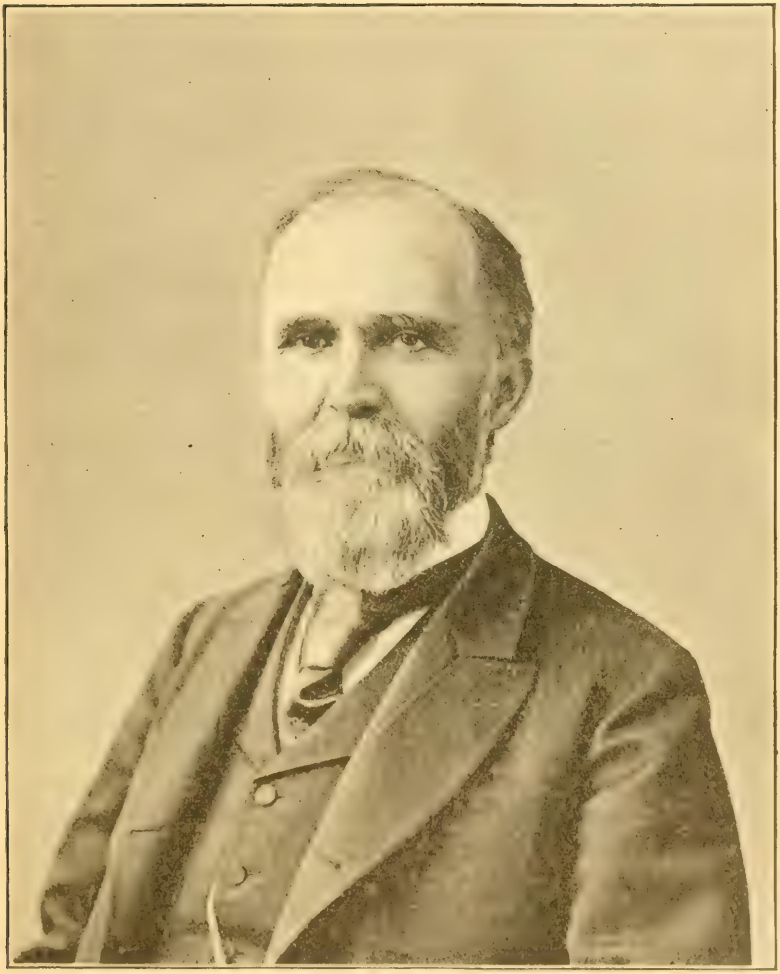
Thomas N. McCarter, of Newark, was to have been the temporary chairman of the Republican State Convention that met at Trenton in the fall to select the candidate for Governor, but he was unable to be present, and General Thomas Van Buren, of Hudson, acted in his stead. Edward Bettle, of Camden, took the chair when the permanent organization was effected. The prospect of Republican success was so alluring that more than half a dozen candidates were tempted into the field. Cortlandt Parker, Marcus L. Ward, John Hill, Elston Marsh, Theodore Little and Colonel A. D. Hope appeared in convention as competitors for the nomination that had been promised to Walsh. Neither of them, however, showed sufficient strength to make him a formidable candidate against the Newark trunk-maker, and Hoxsey, of Passaic, made an effort to spring General Judson Kilpatrick, the dashing cavalryman of the war, upon his fellow-delegates. The Republican leaders, who had promised the favor of the convention to Walsh, feared that the mention of the name of Kilpatrick, who had doubly endeared himself to the hearts of Jersey Republicans by his brilliant platform oratory and his record as a soldier, would stampede the delegates, and their followers endeavored to drown Hoxsey's voice in shouts. Half the men in the hall kept tally of the announcement while the first ballot was being taken amid breathless excitement, and the pledged leaders of the party drew a long sigh of relief when they saw that the little soldier from Deckertown had not swept the convention away from their candidate. Before the second roll-call had been commenced, the frightened managers hurried and scurried down the aisles and over benches to beg votes for Walsh, and when the tallies were footed up it was found that he had been put in nomination.

The press of the day following the convention disclosed a

general conviction that Mr. Walsh's English nativity would prove a marked weakness for him at the polls; but it was urged, on the other hand, that his prominence in the Methodist Church, and his liberal donations to its treasury, would be an element of strength for him in the rural districts, where a Methodist is sometimes a Democrat. The Democratic party did not fear his Methodist alliances half as much as the Republicans had built upon them; but they were discomforted by the effect the expenditure of vast sums of money he was supposed to be ready to make upon his campaign might produce in conjunction with the generally unsatisfactory prospect of things for the party, and they felt that the occasion had come when they must throw aside all of their personal preferences, and pave the way for victory by presenting the strongest man in their ranks as his competitor.

Democratic councils had been dominated for years by a coterie of bright men whom the irreverent Democratic masses called "The State House Ring." Judge Lathrop was one of this potential quartette. Ex-Senator Little, who had now become the Clerk of the Court of Chancery; Henry C. Kelsey, who became Secretary of State at about the same time, and Governor Theodore Randolph were the others.

Judge Lathrop had been in the wholesale dry goods business, first in the South and afterwards in New York. He married into the family of Boat-owner Gibbons, who was looked upon as one of the most important and influential business men in Morris county. The Judge's interest in New Jersey State affairs began when the New York Chamber of Commerce deputed him to see that the New Jersey State authorities did nothing, or allowed nothing, that would affect the value of the harbor of New York. It was at a time when the riparian discussion was young, and when numerous movements were projected on the Jersey shore that might reach the channel of the river and eventually destroy New York bay as a refuge for the floating commerce of the world. Even as early as that, the New York merchants and men of commerce feared that the "filling in" on the Jersey shore, if carried on too extensively, would be swept by the tide out toward the sea, and, eventually choking up the Narrows,



Henry C. Kelsey.

make the great bay of New York a sort of inland lake. It was to see that these threatened water invasions from the Jersey coast were not carried to a dangerous point that Judge Lathrop went into public life in New Jersey. His participation in the discussions over the various aspects of the riparian question, and his influence in bringing about the final adjustment, brought him into a bright public light, and made him one of the picturesque figures in State politics. The managers of Democratic affairs saw that he was a man of exceptionable power—skillful, able, shrewd and resourceful—and he was gladly welcomed into the party councils as their coadjutor.

Mr. Kelsey's official position—to be Secretary of State is to be next to the Governor in political prominence—gave him an opportunity to lift his light from under the bushel basket and dazzle the State with it. Through the patronage of his office he easily made himself recognized as a political factor in the extreme northern counties. He had been a country editor in Sussex when Governor Randolph first discovered him. During his campaign to the Governorship, Randolph had dropped in on the town of Newton, and at the office of the "Newton Herald" he made Mr. Kelsey's acquaintance. He found him unusually fertile in suggestion, a brave, cold calculator, and when he had reached the Governorship he made up his mind that the Sussex editor would make an admirable Secretary of State, and conferred the dignity upon him. It was not long before Mr. Kelsey had forced recognition as one of the most skillful members of the Democratic State household. He was a small, thin and wiry fellow, and he cultivated an affectation of deafness that shielded him from noticing the unpleasant things his enemies and rivals had to say about him, but left him keenly alive to all the things that were gratifying to his pride.

Governor Randolph's position at the head of the State was the reward of years in the public service. He was one of the largest coal operators in New York, and so rich that he came to be known as "Mr. Moneybags of Morristown." He had first lived in Hudson county, been active in public affairs there, and represented the county in the State Senate. Later he purchased a

handsome property at Morristown, and became a resident of that county. He had set his eye upon the United States Senate, and, as far as he was able, had given a drift to State affairs calculated to turn the current of politics toward the channel of his ambition. He was bending eagerly forward to the goal for which he was reaching, and had now reached the Gubernatorial milestone on the road to Washington.

The man who made the schemes of these three ready and far-seeing planners effective by his energy was Henry S. Little, then an ex-Senator, and, by Randolph's appointment, Clerk of the Court of Chancery. That clerkship was not only one of the most lucrative places in the Capitol building, but it was also the one that gave largest opportunities for acquaintance with the class of men who make and mould public sentiment. The fifteen hundred lawyers in the State, with their army of clients and litigants, were brought into almost daily contact with his office. Mr. Little had enough of the Irish instinct of push, aggressiveness and ambition to make the most of the opportunity that lay at his hand. His father had come from Ireland in 1810, and settled in Monmouth county. And there he had gone into business, and finally started the first line of steam-packets that ever plied between any point in Monmouth county and New York. These steam-launches of his used to run down the creek that struggles out through the meadows from Matawan to the bay, and opened a market for the produce of the farms in all the region around about. As his wealth grew, he organized the Farmers' National Bank of Middletown Point, which is yet in existence; and the private tutor whom he brought to his home to educate his children became the nucleus, so to speak, of a local classical school.

When Henry Stafford Little came of age he divided his time between his country law practice and the further development of the resources of the county for which his father had already done so much. He promoted and in large part built the turnpike which opened new highways for settlers; and subsequently, by the incorporation of the New York and Long Branch Railroad Company, established the route that has since made the seacoast

section of Monmouth the gayest of midsummer capitals and dotted that section of it with whole lines of pretty and thriving villages. So that his family for two generations had thus been identified with the prosperity and progress of the county. When, in recognition of his public spirit, his neighbors sent him to the State Senate as the county's spokesman, he reached the head of the most important committees, and finally the Presidency of that body; and his selection by Governor Randolph as the Clerk of the Court of Chancery was but a promotion earned as the reward of his public services.

In build and appearance he was the very antipode of Mr. Kelsey. Too active to be stout, he was tall, wiry and nervous, and a man upon whose face one could read the signs of intense activity.

As the time for the election of a new Governor approached in 1871, these four magnates of the State House got together, with their lieutenants, at the Chamber of Commerce in New York, and agreed that they would advance Joseph D. Bedle, the rotund and cherub-faced Supreme Court Justice, whose circuit was in Hudson county, to the chief Chair of State; and they immediately set the machine in motion to secure his nomination by the State convention. Bedle's name had scarcely been proposed before it became apparent that he would have to measure lances with an antagonistic power in his own county. From his position on the bench Judge Bedle had thrown obstructions in the way of some public schemes that had been set on foot by Congressman Orestes Cleveland, who was then the most considerable political factor in Hudson; and Mr. Cleveland set out to cripple his canvass by weaning his home delegation from him. Of course, by the rule of politics, the failure of his own county to support him in the convention would have been an insurmountable bar to his nomination. If Bedle were allowed to stand alone before the people of Hudson as a candidate for Governor, local pride and affiliation would have given him their support for the asking, and in order to furnish the local politicians with another Hudson name to rally around, the shrewd Congressman suggested that Leon Abbett, Bedle's next-door neighbor in old

Henry S. Little.

Sussex Place in Jersey City and then rising into prominence as a champion of the workingman and wage-earner, be Hudson's candidate for the Governorship. In spite of this attempt to divide his neighbors against him, Governor Bedle's strength grew apace, and Mr. Cleveland saw that he would secure the nomination unless a better-known name were brought into the canvass.

One Democratic name was known in every household in the State. Joel Parker had been its Governor in war times. His contact with the men whom the State sent forward to Washington to fill its battlefield quota, and his sympathetic reception of their bereaved wives and children when they went to him with their tales of misery, gave him opportunities for personal acquaintances among the masses that he had improved. A great big, good-natured, rollicking fellow, tall of stature and broad of girth, with the air and manner and dress of a farmer, always accessible, with a generous word for everybody and a kindly sympathy for all who needed it, he had come to be looked upon as the personal friend of half the men, women and children in the Commonwealth, and they in turn esteemed it a rare flattery to be accounted his friend. The party never was in straits but that this old man of the people was summoned to the front. And now, to defeat his local enemy, Mr. Cleveland brought his name forward as one good to conjure with. Almost immediately the War Governor's Monmouth home became the Mecca of the party workers of high and low degree. Big men and little men, leaders and followers, all sought him to urge him into the canvass. They found him willing, but unable. He had a family to provide for, and nothing but his practice as a lawyer to depend upon, and he felt that he could not afford to leave his field of labor for the pittance of $3,000 a year, with which the labors of the Governor were rewarded. They pledged themselves to advance the Governor's salary to $5,000 a year, if he would but consent to lead the fray, and, after much urging, he consented if the nomination were offered to him with substantial unanimity, to accept it.

The State House managers were alone unwilling to accept him. Senator Abbett's bid for the Hudson delegation had been a reason-

ably successful one, but when the day for the holding of the State convention arrived, it was understood that these forty-nine votes were to be cast at the proper time for the old war horse from Monmouth. Similar arrangements were made with delegations from five of the lower counties of the State. They were all committed to the support of local candidates, with the understanding that when Congressman Orestes Cleveland made the speech on the floor of the convention formally putting Parker in nomination they were all to abandon their local favorites, and join in the hue and cry for Parker. J. Daggett Hunt, a tall, fine-looking delegate from Summit, with a good voice and fine delivery, who was over-ambitious to make the first presentation of Governor Parker's name, almost spoiled the programme by making a pretentious speech in Parker's favor before the opportune moment for Mr. Cleveland's rallying speech arrived.

Much excitement attended the informal roll-call, but it seemed as if Bedle had a majority of the delegates, and Colonel Wm. C. Alexander, who served as the Chairman of the convention, was about to announce the Judge's nomination when the Hudson Congressman sprang to the floor.

"The Chairman is about to announce the result of the ballot," Colonel Alexander admonished. "For what purpose does the delegate from Hudson desire the floor?"

When Mr. Cleveland said in response that he was going to make a last effort for harmony, the State House delegates supposed that he was about to turn the Hudson county delegation over to their favorite; and it was only after he had made his prearranged speech for Parker and enthused the convention for the man from Monmouth, that they saw the error they had made in allowing him to take the floor. The anti-Bedle delegates broke into prearranged applause when he announced the change of the forty-nine Hudson votes from Abbett to Parker, and the five lower county delegations broke from their first-announced candidates to the Freehold veteran. A stampede followed, and, on "Cale" Valentine's motion, Parker's nomination was made by acclamation. The other candidates presented to the convention before the end was reached were Nehemiah Perry, of New-

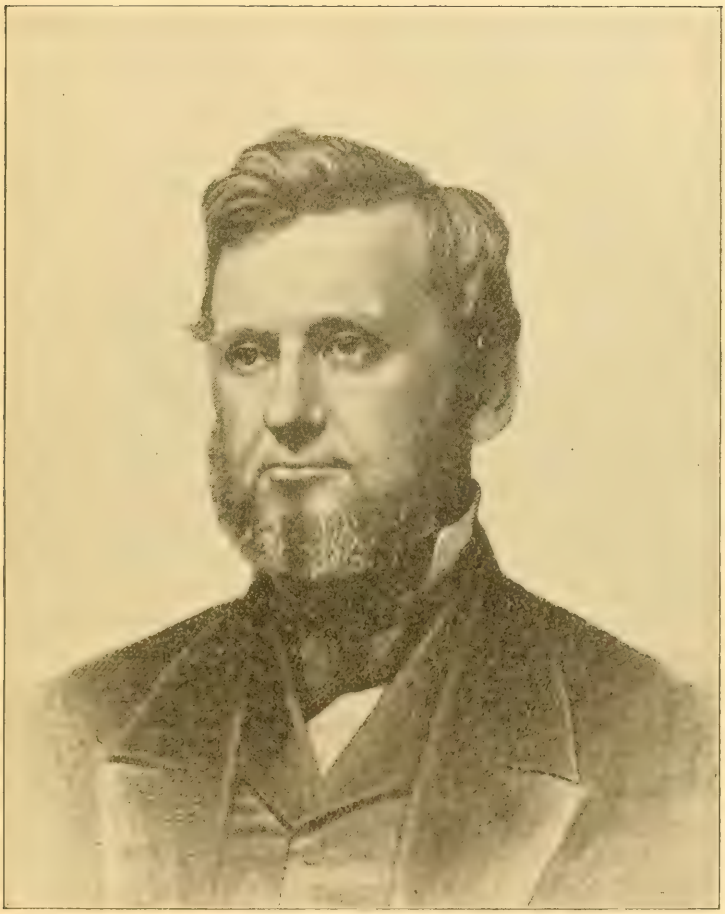
ark; General Theodore Runyon, who had already canvassed the State for the same office in 1865, and been beaten by Marcus L. Ward; Benjamin F. Lee, a rising figure in South Jersey politics; General Charles B. Haight, a rollicking orator, practicing at the bar at Monmouth; Isaac B. Dickinson and Thomas D. Armstrong.

After Joel Parker's nomination was made unanimous the Republicans assailed his war record. They declared that he had been purposely dilatory in sending men forward in the hour of the nation's peril, and that a sympathy with the Rebels had made him disloyally tenacious of the State's rights as opposed to the nation's authority. Mr. Benjamin F. Lee, who accompanied him on his campaign, tells an admirable story of the skill with which Governor Parker met these unfair partisan critics of his.

"Gentlemen of the jury," Mr. Lee heard him begin at one of the campaign gatherings—the crowd imagined that he had forgotten that he was not at that moment a lawyer preparing to plead for a client, but a citizen seeking the suffrages of his fellow-citizens, and a loud laugh greeted his slip of tongue.

"Well," the old Governor went on after the merriment had subsided, "I should have said 'Fellow citizens!' But no! let it be 'Gentlemen of the jury,' for after all you are a jury gathered to try your candidate on a charge of sympathy with treason, and to declare him guilty or not guilty by your votes when you have heard all the evidence. So let it be 'Gentlemen of the jury,' and we'll organize a court here for the trial of Governor Joel Parker on the charges that have been made against him."

Then assuming to be the public prosecutor, he formally opened the case for the State, and arraigned himself in such a speech as a prosecutor might have made had he been really at the bar. Then he called the witnesses one after the other, pictured them as sitting in the witness box, and questioned them on the direct and on the "cross" just as they might have been questioned by counsel on either side, and repeated their imaginary responses to his amused and interested audience.



Joel Parker.

"And now the State rests," he went on, "and the witnesses for the defense are summoned. Andrew G. Curtin, take the stand. You are the War Governor of Pennsylvania, Mr. Curtin?"

"I am."

"Do you know the reputation of Joel Parker, of New Jersey, for loyalty to the Union cause?"

"I do."

"Is it good or bad?"

For answer he read a letter from Curtin in which that noted patriot had spoken words of highest encomium for the zeal with which Joel Parker had upborne the Union arms.

"Edwin M. Stanton, take the stand." And the Governor, acting as counsel for the defense, put the great Secretary through the same series of interrogations. And, for answer, Stanton's telegram, thanking the Governor for the alacrity with which he had sent troops forward, was read amid wildest applause.

"I might have produced a witness whose certificate would be the absolute acquittal of the defendant at the bar," he said, with subdued pathos, and turning as if to address a court, "but the hand of the assassin has sent him to a grave kept green by the tears of his people. I am forced, your Honor, to go to the jury without the testimony of Abraham Lincoln."

As though he were the judge at the trial, he now turned his face to the audience and solemnly charged the jury, and at the end of it he exclaimed that "It is for you, gentlemen of the jury, to say whether, on the evidence presented before you to-night, this defendant, Joel Parker, is guilty or not guilty."

Every man and boy in the vast throng was on his feet in an instant and shouting a verdict of acquittal, and it is safe to say that when election day came not a man who witnessed that imaginary trial failed to cast his vote for Joel Parker.

When Governor Parker was ready to step into the Governorship, to which he was elected over Walsh by a majority just short of six thousand, it looked as though the promise of increased salary, with which he had been tempted into the battle, was not to be redeemed. Only the Legislature could pass the act making the increase; and that, in both branches, was con-

trolled by the Republicans. It was almost rash to hope that a Republican Legislature could be persuaded to redeem a campaign promise made by its opponents to their candidate. Even if they were disposed to do it, the act, to be constitutionally effective, must be passed and approved, and on the statute-books before the commencement of his term. The Legislature assembled a week before the day fixed for his inauguration, and, as it was usual for the Houses to sit during the first week only for organization, there was the other obstruction of time to stand in the way of the keeping of the engagement.

Everybody knew of the understanding upon which Parker had gone into the campaign, and by the time the Houses got together the people had rather settled down to the conviction that the promise that he should have $5,000 a year during his term of service was something like a contract between the State, whose people had made him its Chief Magistrate, and himself. The members of the two Houses were not dead to the prevailing sentiment, and the moment they got together Assemblyman George H. Farrier, a well-known Hudson Republican, offered a bill fixing the Governor's salary at the stipulated advance, and, under suspension of rules, it was put through both Houses, and immediately signed by Governor Randolph, and so became a law within an hour after its introduction.*

* The discussion concerning the increase of salary was marked, incidentally, by an agitation over the question of providing the Governor with an official residence at the capital. When the salary was not even as much as the $3,000 that Governor Parker did not think he would be able to serve for, the State had tried to piece it out by providing its Chief Magistrate with an establishment in which he and his family might live rent free, and had erected on State street, a block or two east of the Capitol, a building that for several years was occupied as the Executive mansion. As the affairs of the State did not consume all of their time, and they preferred to live in their own homes—a good many of them had better than the one provided by the State—the Governors fell into the habit of renting the building, and appropriating the proceeds to their own emolument, and the State ultimately sold it. The State Street House of the present day is the old-time establishment, with such enlargements and improvements as were needed to make a hotel of it. The main building, that part of it that abuts on the street, is the old Governor's residence, but some changes have been made in it. What is now the hotel

A week later Governor Parker entered upon his second term of service to the State with everything arranged even by his party adversaries, even as his party friends had planned it for him.

office, served as the reception and sitting-room. The broad English fireplace, that used to make it a pleasant rendezvous for public men in the winter season, still remains, except that the hotel proprietors have used it as a niche for a drum stove.

CHAPTER IV.

WHICH IS A SHORT ONE TO TELL OF J. DAGGETT HUNT'S DISAPPOINTMENT.

THE prominence into which his advocacy of the new railroad law had brought him, and the importance of the part which he played in the convention that gave Joel Parker the nomination for Governor, encouraged J. Daggett Hunt in the belief that the Governor might appoint him to the clerkship of the Supreme Court. The position was then, as now, one of the most lucrative in the State House. South Jersey, however, urged the claims of Benjamin F. Lee upon the Governor, and for weeks it was uncertain who of them would finally capture the Governor's favor. Mr. Lee was quite as strongly equipped with claims for recognition as was Mr. Hunt. He was not a brilliant platform orator like Hunt, but no man in the State could match him as a spinner of delightful yarns. Even up to the time of this writing he maintains his early reputation as one of the most picturesque *raconteurs* in the State. Quite as much, however, as by his personal qualities, was he commended by his political services to the consideration of the Executive. For years he had been an important factor in the politics of his section, and two or three times had so materially cut down the natural Republican majority of that section that he was regarded as its leading Democrat.

The son of Hon. Thomas Lee, who had himself been a prominent public man, he had tactfully improved his opportunities to form the acquaintance of influential citizens, while his own *bon homme* won him the friendship of the new men with whom he came in contact. For years his home was under the shadow of a glass factory in Cumberland, and the friendship which the hands employed in it felt for him made him popular

with the laboring element all through the county. He was sent to the Democratic State Committee to represent the interests of the district, and in 1856 was made a Presidential Elector. Subsequently, when he was nominated for the Legislature in the overwhelmingly Republican district in which he lived, he came within three votes of carrying it. In 1870 he was given the nomination for Congress. The First district was then, as now, Republican, ordinarily, by 3,700 majority. It had become a retreat for runaway blacks from the South, and these, never pursued, or never overtaken, had settled within its limits. The Emancipation Proclamation which freed them and the negro suffrage amendment which enfranchised them, served to increase the normal Republican majority to close on to 5,000. Mr. Lee accepted the nomination for Congress in the face of certain defeat for the aid which he might render his party in other sections of the State; and his gallant contest reduced the majority to 1,500. These particularly flattering records at the polls pointed him out as an exceptionally strong man in that section of the State, and when the Gubernatorial convention of 1871 assembled, every delegate from the First district went to Trenton to urge his selection as the candidate. He let them know that his preference was for Joel Parker, but they were bent upon casting their 118 votes for him on the informal ballot till he insisted upon their yielding to the general demand for Parker's nomination, and he wheeled them into line for the Freehold veteran just in time to turn the tide of battle. South Jersey, therefore, felt herself entitled to some recognition at the hands of the new Governor, and who better than Benjamin F. Lee to receive it in its behalf?

Mr. Lee had been in sharp antagonism in Cumberland county with old John L. Sharp, known at that time to every public man in the State. They had been rival candidates for Congress, and their rivalry had resulted in the defeat of both in the Democratic District Convention. Mr. Lee thought that he had the more right to be embittered because of his belief that Mr. Sharp's presence in the convention was rather for the purpose of defeating him than in hope of winning the nomination

Benjamin F. Lee.

himself. And so naturally enough it was expected that Mr. Lee would seek opportunities for reprisals. But when, in the following fall, the party went hunting around Cumberland county for a candidate for State Senator, Mr. Sharp was probably more surprised than gratified to learn that Mr. Lee was one of his warmest advocates.

"Not that I like a hair of your head," he said to Sharp, "but because I recognize that in the existing condition of affairs you are the only man that can probably win this fight."

Sharp retorted that he would look for an opportunity to get square with Mr. Lee, and when he heard that Governor Parker was considering Mr. Lee's name in connection with the Supreme Court clerkship, he hastened to Trenton to say that Mr. Lee was the man who, of all others, ought to be appointed..

After a little delay Mr. Lee's name was sent into the Senate for confirmation. Daggett Hunt had just taken his seat at the table in one of the hotels, when the colored waiter who was bringing him his dinner told him of his defeat. Hunt could scarcely believe his ears.

"What's that you said?" he asked of the dusky plate-bearer.

"I jest heah," was the response, "dat de Gub'ner done gone made Mr. Lee Clerk ob de S'preme Co't."

Hunt almost upset his plate of soup in the energy with which he shot from the table. Seizing his hat, he dashed up to the State House to find out whether the story was true. The Governor was not there, but Eddie Fox, his Chief Clerk, who sat at the desk in the ante-room, assured him that the colored man's information was perfectly reliable. Daggett almost burst into tears.

"It is bad enough," he sobbed, "to be disappointed in my expectations, but great heavens! imagine my humiliation when the news was brought to me by a confounded darky."

At that time the colored brother was not in as high favor among Jerseymen as he is to-day. The State had been kept in perpetual agitation for two or three years over the constitutional amendment which enfranchised him. The Legislature had rejected it, and Governor Randolph had won the odium of Demo-

crats by advising in one of his annual messages, written after the amendment had become part of the United States Constitution, that the State accept it in good faith. Even in the campaign that had resulted in Parker's election to the Governorship, it had been an exciting issue, and at the time of Mr. Lee's appointment the people were not yet reconciled to the idea of taking the colored man to their bosom.

Of course Mr. Lee was confirmed by the Senate, and he was subsequently re-appointed by Governor Bedle in 1877, and Ludlow in 1882, Green in 1887, and Abbett in 1892.

CHAPTER V.

WHICH TELLS OF THE COMPLICATIONS OUT OF WHICH THE GENERAL RAILROAD LAW CAME, AND HOW THE DECISION OF VICE CHANCELLOR DODD, ON THE STANHOPE FRAUD CASE, HELPED TO BRING ABOUT THE RESULT.

ALL political matters having been disposed of, the Legislature of 1872 went to Trenton with nothing but the big railroad fight to engage its energies. The Senate contained some notable men. It was Republican; in fact, both Houses were Republican. Edward Bettle was its President; John W. Taylor, a keen-eyed Newark lawyer, with a face suggestive of Indian lineage, represented Essex; John R. McPherson, who afterwards became one of the most notable figures in State politics, stood sponsor for Hudson; Levi D. Jarrard, tall and slim, florid, with blue eyes and straight, sharp nose—for all the world like Andrew Jackson in appearance and manner—who, during his several terms in the Senate, legislated himself into a powerful middle-State boss, and eventually into the State Prison, was "the gentlemen from Middlesex;" Augustus W. Cutler, a farmer-lawyer from Morristown, who had in a large degree the same elements of popularity that had made Joel Parker strong, was the Morris county representative; Hunterdon's seat was filled by a man bearing the name of Banghart, which another engaged in the new railroad lobby brought into unpleasant notoriety; and Salem was made notable by the presence of John C. Belden as her spokesman on the floor.

The business of the session had scarcely begun before the railroad giants began to go at each other. General Carse, a military orator of the Assembly, was the first to make a move in the battle of the session. Carse had been a conspicuous and picturesque figure in the carpet-bag era of politics in Florida.

Some of the readers of this volume may remember that he was concerned in the somewhat violent establishment of a carpet-bag Legislature of that State during the reconstruction period. He was a fellow of superb audacity, and perfectly fearless—just the man to take the sort of risks which the leaders of the opposition to the general railroad law were required to face. His shot in this battle was in the form of a resolution calling for a committee to make an inquiry into the terms of the lease of the Joint Companies to the Pennsylvania Railroad Company. This was followed in the Senate by an act attacking the lease. The spirit that it was hoped to arouse by these hostile movements was revealed by Mr. Cutler's motion in the Senate, that a majority of the directors in the leasing concern be residents of New Jersey. That the property of the Joint Companies had gone into the possession of a syndicate of foreign capitalists was a circumstance employed by the opponents of the monopoly as a pretext for an attack upon it. Senator McPherson met Mr. Cutler's motion with the suggestion that the owners of a stock company should not be disturbed in the control of their property, and that such a requirement as Senator Cutler had insisted upon would discourage foreign capital from assisting further in the development of the State's resources.

The Senate bill does not seem to have got beyond the stage of second reading, and General Carse's investigation was "called off." There are some people who suspect that it was introduced for that very purpose. The anti-monopoly sentiment of the State had, however, secured a firm footing in the Assembly, and the announcement toward the close of March that the Philadelphia and New York Railroad had boomed its bill through the House, was received with wild acclaim everywhere. The promoters of the bill were shrewd enough to forestall the opposition to its passage that the corporation whose directory was entirely unknown to Jerseymen might make to it, by naming in their bill as the incorporators of their road, a list replete with names familiar to all Jerseymen, and the act was enthusiastically rushed through the House with the cry that it provided for Jerseymen a road run by Jerseymen.

It will not escape notice that the Assembly act proclaimed in its title that it was for a through competing line between Philadelphia and New York. A more secret attempt to accomplish its object was made by the introduction into the Senate of a bill conferring a franchise on a road to extend ostensibly from Flemington to Lambertville, but which, by the linking of other authorized lines with it, was to complete the opposition route between the two cities. Senator McPherson easily guessed the surreptitious scheme of the Senate bill, and opposed it on the ground that a road already covered that route, to which Senator Banghart replied that it did not accommodate the New Jersey public. Senator Cutler, and Senators Hewitt, of Mercer, and Williams, of Passaic, urged the passage of the act. Senators Taylor and Bettle aided Mr. McPherson in arguing against it, and it was lost by a vote of six to nine. That vote was the forerunner of the defeat of the House bill when it reached the Senate, and toward the close of March the Senate refused to pass the act.

The capital was filled with excitement when the result became known. An impromptu demonstration at the Trenton House lauded the Senators who had voted for the bill; and Barton, who had introduced it into the Assembly, was given a serenade. There was some humor mixed with the indignation with which the failure of the enterprise for the year was received. When Secretary Sinnickson Chew stepped in front of the Speaker's desk to announce the unwelcome result to the Assembly, Assemblyman Fisher, of Middlesex, fired a bright quip at the stubborn Senate:

"WHEREAS, The Secretary of the Senate has reported to this House that the Senate has refused to pass the Philadelphia and New York Railroad bill; therefore, be it

"*Resolved*, That the Clerk of this House be requested to inquire of the Secretary of the Senate why the Senate refused to pass the same."

The sentiment against the continued domination of the monopoly that had fallen into foreign hands, grew apace, however, and by the time the Legislature of 1873 assembled it had acquired enormous force.

As in 1872, both Houses were again Republican. The selection of John W. Taylor to its Presidency was an evidence that the Senate was still within the grasp of the old monopoly; the choice of Isaac L. Fisher, of Middlesex, to the Speakership, was the sign of the prevalence of an opposition sentiment there, and it was evident at the very opening of the session that the two Houses were destined to lock horns in one of the greatest railroad struggles in all the State's history.

Isaac L. Fisher.

Among others who went to Trenton to represent one of the constituencies in the State, was a quiet and unassuming little farmer from Morris. "The boys" all called him "Gus;" in official verbiage he was known as Assemblyman Canfield. He had scarcely taken his seat in the House before he sent to the Clerk's desk a little act which the newspaper correspondents, when they saw it, dismissed with a line, but which in the end became the absorbing topic of the session. It authorized any thirteen persons to form a railroad company under certain articles of association to be filed in the Secretary of State's office, when capital stock to the value of $1,000 for every mile of railroad projected by them had been subscribed. Its importance was overshadowed by the presence on the files of another act aimed more directly at the mark. This second act was for the incorporation of the New York and Philadelphia Railroad Company; and it authorized a number of well-known operators—among them, George Richards, Cortlandt Parker, John R. Cecil, Samuel C. Forker, A. C. Cadwallader, A. P. Ber-

thoud, G. N. Abeel, William Walter Phelps, Abram S. Hewitt, Charles K. Landis, Abraham Browning and Amos Clark—to construct "a safe and substantial line of communication across the State." The capital was fixed at $7,000,000, and the route was to be over the line from Bound Brook to Trenton.

Canfield's act was sent to the committee and held there with an indifference born of the idea that it had no necessary relation to the great fight on hand. Men forgot all about it, while an enormous and picturesque lobby struggled over the less sweeping bills that went straight to the core of the issue.

That lobby, and its methods and extravagances! There were old George Dorrance, veteran legislation manipulator, and cool, keen, black-eyed Culver Barcalow, handsome in spite of his drooping eyelid, to conduct the difficult defensive battle on the part of the Pennsylvania Railroad. Culver Barcalow, the keener and busier of the two, was the very antipode of Johnson Banghart, the active head of the attacking forces—ostensibly the counsel of the Air Line, really its lobbyist—dashing of manner, loquacious, loud-voiced, tall, straight, of full habit, and strutting, gaudy and showy in dress, with streaming neckwear of brilliant hues, and diamonds gleaming from breast and fingers; Barcalow, on the other hand, smooth, quiet, polite, insinuating, always attired in suit of sleekest black of perfect cut and hang, with a single unobtrusive glint in his spotless shirt front.

The lugubrious Henry M. Hamilton, of polished manners and scholastic finish, whose tall form in long coat buttoned close to the neck, gave him the air of a country parson, was the gorgeous Banghart's associate and chief. He had made himself the central figure in a syndicate that had purchased acres and acres of property on the line of the new road, and was looking forward with hungry anticipation to the time when the building of the line would bring these speculative possessions of his into the market and turn them into gold. And with them—short, slim, nervous, light-haired and pale-faced—was Delos E. Culver, a plunging New York speculator and contractor, who was quoted as having millions within his reach, and whose brother, Isaac B., stood for him in the new directory. E. C. Knight, who

had been a director in the Pennsylvania Railroad, associated himself with them; and Samuel K. Wilson, of Trenton, made himself conspicuous by the zeal with which he espoused the interests of the new line. Another active and influential partisan of the scheme was Lewis R. Taylor, of the Taylor Iron Works of High Bridge, a man of considerable fortune and wide family relations, whose cool sagacity and indomitable resolution were of great service in the struggle.

Assisting the chiefs on either side in their strategic warfare, swarms of satellites, buttonholing members, carrying messages, "seeing men," fluttered hither and thither; corks popped at the bars, sumptuous dinners at the big hotels, wine banquets lasting till the early hours of dawn, terrapin and steamed oysters on demand in every basement—it was an endless revelry for the men with votes worth having and palates worth tickling.

To further counteract the efforts of the Philadelphia and New York Railroad people, so much of the press as was controlled by the Pennsylvania Railroad and the company's hired orators everywhere began to clamor for the passage of a general railroad law.

"If a competing line between New York and Philadelphia is to be built," was the run of their argument, "why not make it possible for any syndicate to construct it? Why confer so valuable a franchise upon a particular lot of men? Throw the gates open to anybody who desires to build one. And besides, our railroad laws are too exclusive anyhow, and too limited in their operations. Why not throw the whole State open to capitalists who desire to spend their money in the development of her resources? Instead of conferring a little franchise here and a little franchise there, let us make it possible for anybody to build a railroad wherever a railroad is wanted. If railroads are beneficial to the State, the more of them the better, and the freer the franchise the larger the number of them that will be built."

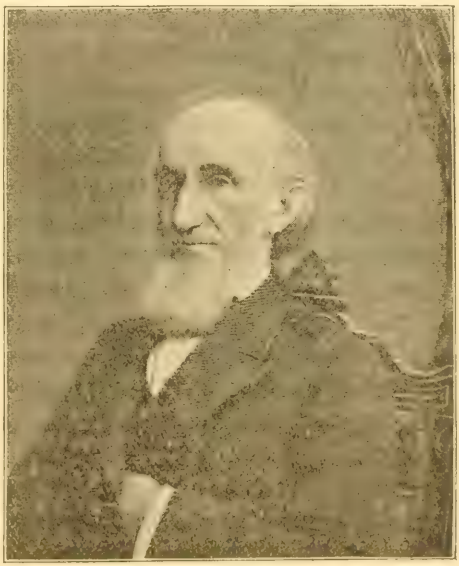
These arguments, especially intended to act as buffers for the growing public sentiment for the chartering of the new road, struck a popular chord, and it was not many weeks before the

State was quite thoroughly convinced that they pointed out a very admirable solution of the whole problem. They did not, however, have any immediately perceptible effect upon the treatment of the question by the two Chambers of the Legislature. Each branch adhered to the particular bill that had been framed for it, conferring the same franchise upon two antagonistic corporations, and devoted all its time to its passage.

The New York and Philadelphia Railroad bill was called up on a second reading in the House near the end of January. General Carse sprang to the front at once with a motion that it be laid over till the following Tuesday. Assemblyman Frank Ward—the Bald Eagle of Sussex—speaking for the motion, declared that the bill was being rushed through in a most shameless manner, and urged that the members be allowed an opportunity before voting on it to acquaint themselves with the character of some amendments the committee had incorporated in it. One of the allurements held before the Legislature for its favor was a proposed gift of a half million dollars to the State for the franchise, and Canfield explained with some warmth that the only change made in the committee was one devoting the half million dollars to the State School Fund. Assemblyman Garret A. Hobart, of Passaic, went into more elaborate explanations of the character and effect of the amendments, and diverging into a little disquisition about the much-talked-of free railroad law, declared that it had been agitated for five years, and that the House was as well posted then as it would be in the five years to come. George Patterson, of Monmouth, announced himself "prepared to vote for such a noble bill as this." In spite of all their efforts to advance the measure on the calendar, General Carse's motion was agreed to (29–24), and when Tuesday came, Mr. Macknet had it put back in the Committee on Corporations. The next day the committee gave it a hearing, with a vast throng of interested citizens in attendance. J. Daggett Hunt was there to make one of his characteristic speeches in favor of a general railroad law, but was crowded out to make way for Cortlandt Parker and B. W. Throckmorton, who spoke for the bill itself.

While legislation was in this shape, Vice Chancellor Amzi Dodd accidently threw fresh fuel into the anti-monopoly flame.

The Legislature of 1872 had passed an act naming George Richards, Isaac B. Jolly, Edward Canfield, William Allison, William Jackson and others as the Stanhope Railroad Company. Stanhope is a small mining settlement in the Morris mountains; and, on the faith of its promoters' assurances that it merely conferred a franchise on a little ore road up in Morris, the act floated along with other legislative driftwood of the session to the statute books as something harmless. When, however, Secretary of State Kelsey's office began to be besieged by those who had been known for their conspicuousness in the National Railway controversy, for scores of certified copies of the act, suspicion was aroused, and the Pennsylvania officials began to smell a mouse.



Amzi Dodd.

Upon an examination of the act, they discovered to their surprise that one section of it, the eighth, conferred upon a lot of little roads the right to consolidate themselves into a competing line between New York and Philadelphia. When Dorrance and Barcalow were summoned to the offices of the Pennsylvania Railroad Company for explanations, they declared by all that was good that that eighth section had not been in the bill at any stage of its progress through the Houses, and that it must

have been smuggled into it dishonestly. Its purpose became the more manifest when Hamilton, Culver, Banghart, and the rest assigned the franchises it conferred upon them to a line of leagued roads under the style and title of the National Railway Company, and work on the construction of a New York and Philadelphia line in competition with the Pennsylvania Railroad was begun.

The attention of Governor Parker had been called to the act by this time, and on the last day of April he indited a letter to Edward Bettle, the President of the Senate, and Speaker Niles, of the Assembly, advising that as each had certified the bill to him as having been passed by the Houses over which they respectively presided, they owed it to themselves and to the public to institute an investigation, "and if it be found that an interpolation was fraudulently made, to inquire how and by whom it was accomplished and to publish the facts."

Three days later both Mr. Bettle and Mr. Niles joined in a letter responding to the Governor's inquiry. They declared that "the manuscript copy of the bill as introduced into the House and now on file, has been by us carefully examined, and we find that the bill certified as having passed in our respective Houses contains provisions not in the original bill. The eighth section of the bill, as filed in the office of the Secretary of State, differs materially from the same section of the original bill. An addition has been made to the section greater in length than the section itself as introduced, which addition purports to give the company much greater powers than did the original bill. This addition was surreptitiously and fraudulently interpolated, and the proof of such fraud and interpolation is the fact that the original bill in its eighth section contained no such provision, and that in no stage of its progress in either House was any amendment, alteration or addition made or offered. The bill in question, therefore, while apparently receiving the sanction of both Houses and the approval of your Excellency, never in reality passed either House."

Through Isaac W. Scudder, a fat and jolly Jersey City lawyer, who was the company's chief legal adviser, the Pennsyl-

vania Railroad Company applied for an injunction restraining the men responsible for the fraud from reaping the benefit they had expected from it, and enjoining them from continuing the movement looking to the establishment of the projected new through route between New York and Philadelphia. Chancellor Zabriskie was in Europe at the time, and the application was made to Amzi Dodd, the Vice Chancellor, the peer of the Chancellor in legal skill and learning. The hearing extended over several months.

The Pennsylvania Company produced proofs in support of its theory that the bill had been tampered with and the pregnant and vital clause fraudulently interpolated while it was in transit from the Governor's office, after signature, to Secretary of State Kelsey's department for filing as a statute of the State; and of the allegation in its pleadings that Hamilton, "on behalf of himself and some of his confederates," demanded of the National Railway Company, and received from it, the sum of $162,800 which "had been paid out by them to procure the passage" of the act in question. This money, the petition of the railroad company further alleged, was divided by Hamilton with some of the Commissioners named in the act incorporating the Stanhope Road, and with "certain members and officers of the New Jersey Legislature."

Vice Chancellor Dodd's chambers, the morning he read his opinion, were crowded to suffocation by interested railroad men. He took the advanced ground that a surreptitious bill establishing a spur between the two completed ends of the competing roads, could not confer a franchise to run cars over the State from Philadelphia to New York; that unless the Legislature understood that the purpose of the bill was to establish a through route between the two cities, its grant of a franchise to a little local road could not be effective to that end; in other words, that if the Philadelphia and New York Railroad wanted to establish a through route, any bill through which it sought that privilege must be thoroughly understood by the Legislature and the Governor of the State as conferring it, and no

secret attempt to steal the franchise under cover of clothing a little local road with life would be allowed to succeed.

The excitement created by the decision was simply enormous. Coming right on the eve of the decisive battle between the two corporations in the halls of the Legislature, its importance may be imagined, but its effect can scarcely be described. The Vice Chancellor was praised and denounced by turns—commended for having stamped on a vicious abuse of the State's highest prerogative, and denounced by the cheated men who had expected to profit by the fraud. He was bombarded with anonymous letters. His enemies sent copies of unfavorable papers to his wife. He was portrayed in cartoons, and charged with having been influenced by financial considerations to favor the Pennsylvania Railroad Company.

His decision helped to give new force to the drift of public sentiment. The people had been impatient of the monopoly that sought to keep every competing line out of the State, and their sympathies had been given in large measure to those interested in the new line movement. But the suspicions with which the revelations made during the course of this litigation had covered them, now made them also objects of distrust. The Commonwealth began to feel that it could not safely look for relief to a band of men who did not scruple to resort to crime to attain their ends. The only escape from these legislative bandits on the one side, and the legislative monopoly on the other, was a bill that should favor no road, but open the way for the use of the soil to all roads with wise restrictions; and, so, an enormous impulse was given to the demand for a free and general railroad enactment.

It was while this wave of popular excitement and agitation was rolling over the State that the National Railway bill, or the Philadelphia and New York bill, as it was variously called, was to be given a hearing before the committee to which Mr. Macknet had had it recommitted. The Assembly Chamber was filled with an excited populace at the hour fixed for the discussion. The committee, for some reason, failed to put in an appearance, and the impatient throng began to clamor

for speeches by some of the noted men who were seen in the crowd. Daggett Hunt, the most magnetic talker of them all, was lifted on the shoulders of a party of men, carried to the Speaker's chair and called upon for an address. His impassioned oratory evoked a wild applause that made the building tremble. It was for a general railroad law that he spoke. If railroads were necessary to build up the State, the franchise should be free as air.

"I would take every railroad bill," he thundered, while the crowd broke into tumults of applause, "and put it in the waste basket till a vote is taken on the General Railroad bill."

The next day the Philadelphia and New York bill was called up in the Assembly for a second reading again. Ward led the fight against it and was well seconded by Schultze and Morrow. The plea they interposed to block its passage was for the elimination from the list of incorporators of the name of every man not a Jerseyman, and Ward called the $500,000 gift to the State School Fund a bribe. Canfield and Hobart made a gallant fight, however, for the advancement of the bill; and, all the efforts of its enemies to amend it out of shape defeated, it was ordered to a third reading in the form in which it had come from the committee. Three days later it passed the House by an overwhelming majority. Assemblymen Anderson, Barnes, Carpenter, Carse, Cooley, Farrier, Foreman, Lee, Plympton, Reardon, Schultze, Ward and Whittaker, were the little handful of thirteen who felt it safe to oppose it.

Preparations were made, of course, to rush the bill over into the Senate and force the corporation adherents over there to deal with it. But by the time it reached the Secretary's desk they had anticipated its arrival by pushing forward the counter act known as the New Jersey Railroad act, and authorizing the running of trains over the same territory covered by the New York and Philadelphia bill, but under the auspices of the Pennsylvania Railroad stockholders.

Late in the night of the same day on which the House bill passed, the Senate called up this decoy measure for final passage. The Constitution exacted thirty days' preliminary notice in the

newspapers of the intention to apply for legislation of this special character. As the bill was an after-thought, devised in a sudden burst of inventive ardor only to offset the clamor for the competing line bill, that notice of the New Jersey Railroad act could not be produced. The men in the Pennsylvania's lobby were not of the kind to let a trifling constitutional bar like that stand in the railroad's way; and to give their bill a semblance of regularity they slyly appropriated the advertised notice of another bill and compelled it to do service for the emergency. Senator Sewell, himself a conspicuous Pennsylvania Railroad man, admitted with characteristic frankness, when the omission was called to the attention of the Senate, that the expedient had been resorted to; but Senator McPherson made a grand appeal to the chivalry of his colleagues when he argued that it was an imputation on the integrity of the committee that had reported the bill as having gone through all the necessary formalities, to intimate that it had not. The Senate followed the lead of these two conspicuous advocates and condoned all the irregularities that had marked the birth of the measure, and while the crowd on the floor and in the galleries looked on with bated breath, put it through its stage of final passage just as the hands of the big clock over the Senate door marked the hour of midnight.

Of course the fact that the Senate had disingenuously committed itself to the enactment of the decoy bill did not prevent the friends of the Philadelphia and New York bill from urging the passage of their act in that body. The familiar expedient of smothering the bill in the Committee on Railroads and Canals was employed, till Senator Hewitt rose in his place to demand that the committee report it to the Senate for action. It happened that Senator Hopkins, Chairman of the committee, and Senator Jarrard, another of its members, were absent at the time, and there seemed to be some question as to whether the bill could be produced. It was suspected that Hopkins was purposely absenting himself with the bill in his pocket. The event proved that the suspicion, while not exactly unjust, was not just exact. He had left it in the hands of Senate Secretary

Babcock, but with instructions to Babcock "not to let it get out." Sewell, Stone and McPherson went to the defense of the committee, and Hewitt's resolution was toned down so that it softly "requested," instead of savagely "instructed" the committee to present it to the Chamber. And so, in spite of Hopkins' directions to Babcock "not to let it get out," the bill did get out, and was put upon the calendar and progressed to a third reading.

On the 4th of March it was called up on final passage. Hewitt, of Mercer, made a warm speech for it, and Cutler, of Morris, also advocated it vigorously. McPherson was against it, because he was in favor of conferring these franchises by a general railroad bill, and not by one that conferred special franchises on a party of operators who had been guilty of the Stanhope frauds.

"If they should demand the passage of this bill," he said, "I should say that it was beneath the dignity of a Senator to give them, as a matter of justice, what they have only failed to obtain by fraud and stealth."

Senator Stone, of Union, who favored the bill, was yet forced to admit that some of the parties agitating for it should be in the State Prison, but he thought he made things even for them when, in the next breath, he declared that he could say the same thing of some who were opposing the bill. Mr. Williams could not understand this new-born zeal for a general railroad law. It had not shown itself till this bill came into the Senate, and when its fate was decided he had no doubt that they would hear no more of general railroad laws. The vote was taken while great throngs in the galleries and on the floor listened to the responses with eager interest. "Cul" Barcalow, in the shadow of one of the columns that towered alongside of the President's desk, and Dorrance, in the shadow of that on the other side, took mental note of the vote. As they had assured themselves before the roll-call was commenced, the act lacked one of the eleven "ayes" needed to pass it. Senators Banghart, Joe Cornish, Cutler, Havens, Hendrickson, Hewitt, Stone, Taylor, Williams and Wood responded in the affirmative. The

eleven whose nays defeated it were Beesley, Edsall, Hopkins, Irick, Jarrard, Lydecker, McPherson, Moore, Newkirk, Sewell and Shepherd.

The scene that ensued the announcement of the result beggars description. Barcalow and Dorrance deemed it prudent to disappear from view, while the air became vocal with denunciations of those who had been instrumental in defeating the act. Hisses mingled with cheers from the crowd in the gallery, and some one shouted "Kill him! Kill him!" at one of the Senators whom an angry man in the crowd had bearded at his very desk. Popular frenzy was directed with special energy against the bulky Lydecker, who represented Bergen county in the Senate, and he had to ask the protection of a lobbyist, who saw him safely through side streets to his hotel.

Edsall was also an uncertain quantity through it all. The National Railway people claimed that he was ready to act with them; and at one time when, with his vote, the passage of the bill seemed imminent, President Bettle forestalled it by declaring an adjournment without even waiting for the formality of a motion. They say, however, that their apparent ability to pass the bill drove the Pennsylvania Railroad Company into offers of compromise; that an agreement was reached between the managers of both, even before the bill was defeated, that both should aid in the passage of a general railroad law, and that the defeat of the bill by the Senate was but an empty formality that had been prearranged between them.

Whatever the fact about this may be, it is certain that the advocacy of the general railroad law by the Pennsylvania Railroad as an offset to the growing strength of its rival, logically committed it to aid in the passage of such an act. The day following the defeat of the National's bill, that retiring little railroad act, which the modest Canfield had quietly committed to the House Committee on Corporations at the opening of the session, was dragged like a legislative Lazarus from its committee tomb into the arena, rushed upon the calendar and whooped through the Assembly with a hurrah. With the exception of Reardon and Foreman, every member of the House gave it his vote.

The galleries broke into cheers so prolonged that a recess was found necessary to let the pent-up enthusiasm of the spectators spend itself; and on re assembling after the tumult had subsided, Andrew Jackson Smith, a consequential Mercer member, aroused the echoes afresh by the offer of a resolution directing the Adjutant-General to furnish ordnance for the firing of a hundred guns on the "green" in front of the State House in honor of the victory. Even if it had not entered into the arrangement claimed by the National men to have been made, the Senate could not stand stiff against so overwhelming a demonstration, and five days later it, too, passed the bill by unanimous vote. It was hastened to the Governor. He appended his signature to it after it had been compared, and by the 12th of March it had become the law of the State. Forty minutes later the National Railway Company filed its notice under the act and took the franchise which for five years it had been so savagely struggling to secure.

The State hailed the placing of her franchise at the disposal of all who were able to assist in the development of her resources as a new earnest of prosperity and went wild with joy. Trenton was filled with brass bands and the hotels were besieged by enthusiastic throngs. Canfield was called from his bed in his night-dress to make responses to one serenading party after another till daylight came. There were music and cheers for all the men who had been conspicuous in their advocacy of the bill. Hamilton opened the wine cellars of the Trenton House to all comers; and the hundred guns for which Andrew Jackson Smith's resolution had called, belched the glad tidings across the Delaware into the wilds of Bucks county. Jubilee meetings were held in almost every town and village. An especially noticeable one filled Taylor's Hall in Trenton three days later from pit to dome. Daggett Hunt, who had been the most eloquent advocate of the new policy, was the lion of the hour at this gathering Joseph C. Potts, ex Governor Rodman M. Price and B. W. Throckmorton followed him in felicitating speeches. Frederick Kingman, one of the most ardent of the

local promoters of the triumphant measure, presided at the memorable gathering.

What is now known as the New York and Bound Brook Railroad was the outcome of the efforts of the National Railway syndicate. The Pennsylvania Railroad fought its construction at every step. Preparations were under way at that time for the pretentious observance, in 1876, of the National Centennial by a great exhibition of the nation's industries at Philadelphia, and the struggle between the two great corporations became one for the expected traffic which that exposition was sure to invite between New York and the Pennsylvania metropolis. The National Company hastened forward with its work to open its road in time for the great year of travel. Whenever it was possible for the older company to stick in an injunction or other court process for delay, it was done. The two roads came into violent collision at a point near Pennington, where the new road projected a crossing of the bed of the old road. Locomotives were run up to the point of intersection, and stationed there to block the insertion of the needed frog. The employes of the two roads engaged in battles, with stones and crowbars and hammers for their weapons, and the public peace was so seriously menaced that it became necessary for the Governor to call out the militia for its preservation. The frog was inserted under the protection of the State's arms, and the projectors of the new line went on with the extension of their tracks towards Philadelphia.

At the Delaware river the new company met another obstacle. The Pennsylvania Railroad Company believed that it had succeeded in having the General Railroad law so framed as to make it impossible for the new company to carry its road over the State's riparian land beneath the surface of that stream. There was a cross-war of injunctions and petitions and everything else in the legal line between them that ended in a decision favorable to the National Railroad Company, and its connection between New York and Philadelphia was finally completed.

The triumph of the free-railroad idea, as determined in this contest, initiated a new era, not only in railroad legislation in New Jersey, but to a large extent, also, in political relations. The old Camden and Amboy idea was from that time absolutely eliminated. The Pennsylvania management was compelled to recognize the new conditions, and while it maintained an active lobby during legislative sessions, it was not able to exert, during ordinary political campaigns, that close supervision of counties and neighborhoods which had been formerly exercised by the Camden and Amboy regime, under which every candidate, Judge, Sheriff, Constable, or political leader in the State, was more or less actively retained in that interest.

CHAPTER VI.

IN WHICH THE STEPS BY WHICH THE STATE ACQUIRED TITLE TO UNDERWATER LANDS ARE TRACED, AND THE STORY OF THE ESTABLISHMENT OF HER FREE SCHOOL FUND IS TOLD.

COMPLICATED with these questions of monopoly rights and exclusive franchises and transit duties were others of equal importance and interest growing out of the ownership of the shore front. A dispute between the States of New York and New Jersey over the boundary line between the two States in the Hudson river, precipitated a discussion that brought the whole question of the ownership of underwater rights to the attention of the public. Half a century or more ago the Legislature of New York granted to a man named Gibbons the sole right of using the Hudson river for traffic purposes between New York and Albany. For the greater part of its course the Hudson river lies within the territory of New York State; but after it passes the Palisades, on its way to the sea, it washes the shores of New Jersey. The grant made to Gibbons was on the assumption that where the river flowed between the States the sovereignty of New York extended clean across it to low-water line on the New Jersey shore. A Jerseyman named Ogden, inclined to dispute New York's right of eminent domain off the Jersey coast, set up a line in opposition to Gibbons, and started to run boats on the New Jersey side of the river between points on the Jersey shore. At Gibbons' instance, the New York State courts enjoined him from running his steamers, on the ground that his charter was in contravention of that which had been given by the New York Legislature. The position taken by the New York State authorities in defending the Gibbons grant was sustained by all

of the New York courts, and Ogden succeeded in gaining the ascendancy only when the United States Supreme Court decided that the right of eminent domain in the river was shared by the States alike—that New York was supreme from her shore westward to the middle of the stream, and New Jersey supreme from her shore eastward to the middle of the stream.

Having thus secured recognition to a title in the river, New Jersey naturally became interested to know what the character of that title was, and even as early in the history of the litigation as that hints were thrown out that she had a title in the land under the water adverse even to that of the owners of the contiguous upland.

To the lay mind it seems difficult to dissociate the idea of the ownership of the upland from the idea of the ownership of the sea rights beyond. There could seem to be but little question that he who owns land right down to the water's edge is also the owner, as a matter of course, of whatever private rights can be reserved in the water that washes it. There are rights of navigation and transit and fishing in running streams or in bodies of water where the tide rises and falls, that must always be reserved for the public. That, everybody can understand; but it is difficult to comprehend what system of logic can justify a stranger in stepping to a man's water front and claiming and exercising adverse rights in the submerged land that is appurtenant to it.

There had, however, been suggestions as early as 1845 that perhaps a shore-owner's rights might be limited to the land which he could see, and that the sovereignty over submerged land lay with the State. It was insisted that the State's title could be traced back to the King of England without a break, and that the State succeeded to the domain which the kings had not specifically granted to private or corporate owners prior to the Revolution. But, perfect as her title was claimed to be, the State prudently abstained from an active invasion of the lands and contented herself with regulating the private use of the streams only so far as was necessary to prevent encroachments upon the public rights.

The Wharf Act that was for many years in force was far from assuming that a stranger had a right to go to a man's shore front and extend a dock or pier from it into the river or bay; it merely laid down the lines within which the ripa-owner must himself build. Its sole purpose was to protect the streams against invasions from the shore that might interfere with their flow or their proper use by the public for navigation and fishing purposes. It, indeed, enabled any shore-owner to appropriate the water rights beyond his water line by extending docks and piers. Hosts of the shore-owners availed themselves of this privilege. Early in the seventies, James Hoey, of Trenton, and a Rahway associate desired to go beyond the designated filling line, and they applied to the Legislature for permission to do it. They expected this grant for nothing; but Senator Little, of Monmouth, and some of his colleagues, insisted that if the State could confer a privilege of that kind she should be compensated for whatever rights she parted with to the applicants, and a discussion that was bigger than the grant supervened. Hoey and his fellow-petitioners were backed by commanding influences in the controversy, but Senator Little carried his point, and so was passed the first riparian bill that ever went through the New Jersey Legislature.

It is doubtful if the State would ever have dared to have done more than to make these occasional grants beyond the solid-filling line if the scandalous contentions over the shore rights on the Hudson county front of the Hudson river had not made some police supervision of the river necessary. Dudley S. Gregory, A. O. Zabriskie, afterwards Chancellor; Peter Bentley, Commodore Stevens, John M. Cornelison and others interested with them, were purchasing uplands and absorbing the water privileges conferred by the Wharf act. They were partly moved by the speculative spirit and partly acting in the interest of the railroad corporations that were reaching out for every inch of submerged land that could be turned into solid ground; and, even after the State had interposed her claims to underwater lands in order to protect them from these invasions, she found it necessary to invoke the love of the people for the

State's school system as a means of popularizing what many regarded as an usurpation on her part, and to play a skillful game of bluff by way of giving fictitious value and strength to her title. The story of the methods those who interested themselves in her behalf employed to establish her title to these great stretches of riparian front is one of exceptional interest.

The railroad aggressions were due to the greed for terminal facilities close to the Metropolis, and it was, consequently, in the controversy between her and the railroads over the Hudson county shore front that the skillfully-developed propaganda of the State was first successfully set up. The Morris canal had, under the Wharf Act, built out into the bay off the Jersey City shore front and inclosed about forty acres of land. Ships had harbored there, and Senator Little called attention to this invasion of seamen's rights and precipitated the inquiry into the State's riparian rights.

The Jersey Central was the first to attempt these systematic invasions, and the first to create the situation which enabled the statesmen of the Commonwealth to get in their big licks in her behalf for the ownership of the disputed territory. This company had begun to exhibit the unhappy faculty of squatting upon valuable land that seemed to have no visible owner and appropriating it to its own use; and it had prepared in this way to take possession of the Jersey City shore front which lay on South or Cummunipaw Bay. The shore at that point was escalloped by the river, and a mud flat with an overlay of shallow water extended for nearly a mile into the stream. The company prepared to fill in these flats and make solid ground to a point from which its piers and ferry slips could be easily extended to the channel. It proposed to do this in defiance of the protests of the owners of the adjoining uplands—who claimed, of course, that their water rights extended into the river; and, to armor itself with a colorable title against them, it conceived the idea of persuading the State to make a grant of the property.

John Taylor Johnson was at that time its President, and through his agency a party of New York capitalists interested in the big corporation organized themselves into the American

Dock and Improvement Company. Their object was to secure from the Legislature a free grant of all the water frontage in Hudson county, extending from South Cove to Cavan Point.

The State riparian zealots met the bill with the claim that the State herself had a title in this great water front that she could not be expected to give up for nothing; and it was in the hope of popularizing this claim that she started the idea of devoting all moneys received from riparian grants to a great fund to be forever sacred to the maintenance of her free school system.

The American Dock and Improvement Company was not to be balked by any such agitation as that, and persisted in its efforts with the Legislature of 1864 so successfully, that it boasted of no less than fourteen votes in the Senate for its bill. It was in this crisis, and the night before the vote was to be taken, that Augustus W. Cutler, Francis S. Lathrop and John L. N. Stratton, who were among the prime movers in the free school fund idea, sprang the proposition that seemed to give a real and tangible value to the State's claim. They made a public offer to buy for $1,000,000 the lands which the American Dock and Improvement Company were trying to take without price. Their formal offer appeared in three Trenton papers—the "State Gazette," "True American" and "Emporium"—the morning the vote was to be taken in the Senate. It was a stunner for the fourteen avowed advocates of the railroad bill. For, where was the man who would dare vote to a party of foreigners for nothing a title for which native Jerseymen were willing to pay a round million? And they halted for the consideration of a counter bill providing that the Legislature should make no grants of water front property until a commission consisting of

Augustus W. Cutler.

Cortlandt Parker

J. R. Wortendyke, John Linn, Joseph T. Crowell, John L. N. Stratton and James B. Dayton had first determined the rights of the State in regard to the lands under water out to low tide.

The opinions of lawyers were sought upon the question. The agitators of the State's rights were not satisfied that Attorney-General Frederick T. Frelinghuysen, who was himself counsel for the Dock and Improvement Company, would favor their contention, and on their behalf Mr. Cutler even solicited Governor Parker to name a special lawyer to investigate the subject from their standpoint. Governor Parker was naturally delicate about acceding to this request. He regarded Mr. Frelinghuysen's high character as a sufficient guarantee against a biased opinion; and Mr. Cutler and his associates themselves sought the written opinions of outside lawyers. One of these from ex-Attorney-General Browning, of Camden, and another from Cortlandt Parker, of Newark, sustained the State's title. The opinions of Attorney-General Frelinghuysen and Counselor Abraham O. Zabriskie, afterwards Chancellor, who became rich through his traffic in these same disputed lands, declared, on the other hand, that the claim of the State was a practical invasion of private rights.

The Jersey Central was forced by these means to pay becomingly for the water rights it desired, and the bill authorizing the State Riparian Commission to ascertain and declare the rights of the State passed.

Robert C. Bacot, well known as an engineer in Jersey City, was instructed by the Commission to direct and superintend the surveys in the easterly part of the State; E. H. Sanders, of Camden, to superintend those on the Delaware front. The important branch of the work was in the hands of Mr. Bacot, who was afterwards made the Engineer of the Commission and at the time of this writing still held the position. After careful inquiry, the Commissioners decided that the title to the lands under tide-waters rested with the State, and that the property of the upland-owner did not extend beyond low-water line. It was cautious in asserting its prerogative, however, and gave the owners of lands situated along or upon tide-water, the privilege

of building docks or wharves on the shore in front of their lands to low water mark, and when so built to appropriate them to their own uses. But the Commissioners quietly intimated they were "not prepared to take the lead in advising that the shore-owner has now by law an absolutely vested right to this preference."

A memorable contention between the Matthiessen Sugar House people and the Morris Canal Company, gave the State a better opportunity to assert her title in an effective way, and she was not slow to seize it. The Sugar House had located at the foot of Washington street, in Jersey City for the water privileges that were accessible in the South Cove. When the Jersey Central began to fill in, in the Cove, the sugar refiners feared the destruction of their harbor. They appealed to the State for a grant of the water rights. The Morris Canal was already in possession of the same water rights, and in self-protection it opposed the Matthiessens' application with a demand that the State's title should be conferred on the canal company. A lively hustle for the precedence supervened. The Morris Canal officials pulled the longer stroke with the State authorities, and the grant was given to them, but not till the sugar refiners had secured the insertion of a proviso that the waterway should be forever kept open, at the canal company's expense, for the traffic of their craft.

Robert Gilchrist

When Jersey City subsequently made an attempt to extend Washington street across the water gap thus ordered to be kept

open, the Matthiessen folks attempted to interpose. The court declared that as they had no title there they had no standing as litigants. Equal to all emergencies, Robert Gilchrist, who was their counsel, induced Thomas N. McCarter, the Morris Canal Company's counsel, to interpose on behalf of the canal company. The courts held that the city could not cross the Morris canal grant without damages. The award of a single dollar would have served to secure the right of way for the proposed street. It had not been made, and the city was defeated in her suit. The State's title in under-water lands was thus re-affirmed by the refusal of the courts to permit trespass upon the property of one of its riparian grantees.*

A contention a few years later between the shore-owners, or some of them, and the New Jersey Railroad and Transportation Company over the lands lying in Harsimus Cove, north of its passenger depots, opened another opportunity for a bold stroke to establish the State's right of occupancy. The company designed filling in the Cove as John Taylor Johnson had filled in the South Cove, and to make the "made ground" the site of a capacious freight yard. John Van Vorst and some of the other upland-owners were so tenacious of their sea rights, however, that the company's scheme seemed impossible of fruition, and a resort was had to the Legislature for adverse title. Like the Jersey Central the company expected to get the title for a song.

But here again Judge Lathrop, Senator Cobb and ex-Senator Cutler sprang to the State's aid. James Gopsill, a portly and cultured gentlemen who in Brooklyn might have easily passed

*The extension of Washington street was prompted by the Jersey Central's desire to make a more direct connection between its depot and railroad yards and the main portion of Jersey City. The Pennsylvania Railroad Company, the Jersey Central's business rival, made common cause with the Sugar House people against the extension. The bridging of the Gap was for years the occasion of the bitterest contention between the two railroads in the Legislature. Unable, because the property-owners whose consents were needed as a preliminary to the extension were of adverse interest, to secure the consent of owners of half the abutting property, the Jersey Central finally gave up the struggle as a hopeless one.

for Henry Ward Beecher, was Mayor of Jersey City at the time. He had also interested himself in a scheme projected by Orestes Cleveland and some others to lay out a boulevard through Hudson county, at an expense of $1,000,000. Mr. Cutler dropped down to see him one night while the Harsimus Cove grant was pending.

"Here, Mayor," he said to the courtly Gopsill, "you represent a city whose great water front has been absorbed by the railroad corporations. It has not a dock of its own. See what great wealth could be brought to it by the improvement, for its benefit, of the Harsimus front in the way the United Railroads are asking to improve it. It's a greater public benefit many times over than the boulevard in which you have interested yourself. Suppose, now, that you were to spend for the State's rights there the million dollars you hope to have the county spend upon the drive."

Mr. Gopsill was not taken with the idea at the start; but it grew into magnificent proportions as Mr. Cutler elaborated it, and finally the Mayor agreed to bestir himself to have Jersey City bid a million of dollars for the water grant the railroad company sought for a trifle. The next morning he called the Aldermen into hurried session, and before the Legislature had re-assembled Monday night, the city's counterbid was known all over the State. The result was that the railroad company went up in its price, and with the consent of all sides the determination of the amount it should pay for the franchise it sought was submitted to the arbitrament of a commission.

The State succeeded, in the end, in forcing the railroad to pay $500,000 for this water front; and the enemies of the railroad company think they saw the signs that the company took immediate steps to get the money back again.

"I was President of the Senate at that time," said Henry S. Little, in recounting the story of the subsequent movements, "and one day while I was in the chair a great stream of men, the railroad lobby among them, came rushing into the Senate. The Clerk of the House with a message for the Senate was at the head of the throng. I smelled a mouse at once, and when

'Joe' Cornish, the Senate Secretary, handed up the message and asked me to rush it through, I made up my mind it would be a good thing to see what was in it first. Looking over the list of the bills it enumerated in which the Senate's concurrence was asked, I saw one that purported on its face to make an increase in the amount of the transit duties the Pennsylvania Railroad Company was paying to the State in lieu of taxes, and I made up my mind that that was the Ethiopian that I wanted to put my hand on. I slid the bill from the batch into my desk, and discovered, on reading it afterwards, that while it purported to increase the transit duties it really decreased them. It fixed a larger rate on merchandise that was least transported, but a lower rate on the bulk of its traffic. It took the State Treasurer, William P. McMichael, three or four days to cipher it out for me from the books. I found out that Governor Randolph was committed to the passage of that bill, and that Senator Cobb, of Morris, was disposed to favor it. There were conferences between John Stevens, General Robert Stockton and myself, at which they tried to persuade me to consent to the passage of that act, but I argued so firmly against it that Cobb finally came to my side; and the result was an agreement that the act should be amended so as to provide that the transit duties of the future should never be lower in amount than those which the company had paid the year before. That amount was $298,000, and that was the sum which the company paid into the State treasury annually afterwards till the Abbett tax law went into operation in 1884."

Two handsome bids had now been made for the State's underwater title; and naturally the belief that there must be ground for the claim that had forced them, grew apace; and before Theodore F. Randolph vacated the Governorship—to which he had succeeded in 1869—there was something of a sentiment in favor of the bold assertion by the State of her absolute title in the lands. Mr. Randolph, when he represented Hudson in the Senate, during the earlier stages of the controversy, had stood in opposition to the encroachments upon private rights the riparian movement stood for. But, besides losing

his local interest in Hudson affairs through his removal to Morris county, he had now as Governor some ambitious schemes that might be aided by the establishment of the State's title, and he made a noticeable change of front on the question.

The attack, as far as it had now gone, was entirely upon the water front on the Hudson river and New York bay, and it was not long before the rest of the State began to see how rich the Commonwealth could become at the expense of her river counties. At that time the expenses of the State government were paid by a tax imposed upon all the counties. Governor Randolph made the plea that the State was in need of funds; and twenty of its counties were selfishly willing to get the needed money at the expense of the twenty-first. Judge Lathrop drew a bill extending the prerogatives of the State Riparian Commission and investing it with full authority to do whatever it pleased in the way of the sale or lease of the under-water lands, and Governor Randolph bent all the energies of his administration toward securing its passage.

Hudson was stirred by the movement as she never had been stirred before. But the only concession the promoters of the bill would make to her was in the shape of a proviso that the owner of the shore front should be privileged for six months to purchase the adjacent water rights before they could be sold to a stranger. This was wrung from them by Mr. Abbett, who was then representing one of the Hudson districts in the Assembly. In the first commission appointed under this act, Mr. Lathrop, its Chairman, and Mr. Cutler, its Secretary, were the active spirits. Its first report boasted of the State's windfall, in noting that the distance from Enyard's dock, near Bergen Point, northward through the Kill-von-Kull, and thence along the line of New York bay and the Hudson river to the boundary of the State of New York, was thirty-two miles. Of this, four miles had been granted at the time the report was made for $1,250,000, and the Commission estimated that from the part not yet disposed of an additional three or four millions of dollars might be realized.

The State now lost no time in fortifying itself by an appeal to

the courts. The Paterson and Newark Railroad Company, under cover of a grant from the Riparian Board, extended its line upon a strip of territory between high and low-water mark in front of the shore owned by Frederick A. Stevens, in Jersey City, and Chief Justice Beasley, in December, 1870, ruled that the State's deed gave it the right to go there. This decision not only laid down the rights of the State to the guarantees to the water front, but has been accepted as an exposition of the law governing riparian properties by the judiciary of many other States; and the State Riparian Board, in the hope of battering down the public prejudice against its assumptions, never made a report for five years that failed to recite it.

The idea of Governor Randolph and Judge Lathrop and their associates in promoting the passage of the bill, was to provide money for public purposes. The current expense account was to be recouped by it, and they had their eye also upon the erection of the big asylum at Morris Plains. But the establishment of the riparian titles put an implied contract upon the State to devote the proceeds to the maintenance of the schools. It was in the interest of a school fund, indeed, that the successful campaign had been made. Educational zealots agreed that the large increase of income which the State was to realize from the sale and lease of her riparian properties would only incite to public jobbery and extravagance unless some useful channel were provided for it; and they insisted that that was an additional reason why the State should keep her engagement with the people. A clause in the Constitution, which provided that the fund for the support of free schools and all accretions to it should be sacredly hoarded, seemed to contemplate the establishment of a fund that would make the schools free without a tax on the people. And these devotees, ambitious to make the free school system of the State its proudest institution and to establish it on a basis of financial independence that would remove it from the remotest peril, insisted that the riparian moneys should be devoted to the accumulation of such a fund.

Assemblyman Nathaniel Niles, of Morris, became their spokesman, and he introduced an act perpetually appropriating

the moneys to the support of the public schools. Their calculation was that eventually the fund would reach such an amount that the income from its investment would pay all the expenses attending the maintenance of the schools and make possible the education of the youth of the State without expense to their parents. The people would probably allow a very excellent institution that would cost them nothing to stand without disturbance; and the theory upon which the advocates of the bill went was that, if the schools were maintained without taxation, the free system would exist forever.

Nathaniel Niles.

The purpose for which the communities in some of the rural parts of the State most dislike to go down into their pockets, is this very noble one of educating their children. There has been more friction between the counties over the adjustment of the school tax than over any other public function. Schools in the poorer and smaller counties are, even to this day, maintained largely at the expense of the richer and more populous counties. The tax is collected by the State from each county on the basis of its wealth, and redistributed to each county on the basis of its children; and so it is that Essex and Hudson, which have more dollars than babies, contribute to the educational demands of Cape May and Ocean, which have more babies than dollars. The less rich and populous counties are eternally beating their brains for devices to evade as much as

possible their school taxes, and impose the maintenance of their schools upon the more wealthy counties.

Mr. Niles shrewdly utilized this aversion of the rural taxpayer when he came to canvass for votes for his bill. He showed the rural Assemblyman how every dollar paid into the fund would measurably lighten the school tax bill of his constituents and easily persuaded the Assemblyman that the interests of his people required that he should vote for it. Governor Randolph and Judge Lathrop, as might have been expected, opposed it; and the Governor even endeavored to persuade him to withdraw it. But he refused to yield and forced it to a vote.

The opposition of such shining lights as the Governor and the Judge solidified the Democratic vote against it, but both Houses were Republican, and it was sent to the Governor for approval. It encountered his veto, but after it had been thoroughly discussed the Democrats concluded that they might as well turn in and help it through, and with the Republicans they voted for it. And so the bill became a law.

The appropriation of these moneys to the support of the public schools was the step that gave the system of free education the cover of State protection. There had been a State Board of Education, and Professor Ellis A. Apgar had been State School Superintendent since 1866. He found the schools under the supervision of 230 Township Superintendents; they were mainly dependent for their support upon township tax, and were not even required to be free. It was upon his recommendation that an act was passed in 1871 forbidding charges for tuition in the public schools, and it was he who perfected the system by which a State tax was imposed everywhere for the maintenance of the schools—being first collected by the State and redistributed among the communities according to their needs.

When Professor Addison B. Poland was promoted from the City School Superintendency of Jersey City to the State School Superintendency, he saw that the established system was still susceptible of improvement, and created a widespread commotion—of short duration happily—while he made it. He found the State divided into innumerable school districts—a district wherever

there was a school-house—and a noticeable inequality in the matter of attendance and efficiency. The State paid a bonus to the counties for each of the school districts, and some of the more greedy counties had, in order to capture it, established more school districts than their school population demanded. There were indeed some school districts to which the allowance was made that had an inappreciably small population; and one of the enumerators, instructed to make a canvass of his district for school children, amused the State in 1893 by reporting that the school population in that district had been confined to the children of a single family, that the school-room had been in one of the family apartments, and that the family had finally wiped the district off the school map by moving away.

Addison B. Poland.

Mr. Poland had been tutored in school methods in Massachusetts, and the system which prevailed there had struck him as being one that, with proper modifications, could be adapted to the re-organization of the school districts in the State. The operation of the system was to consolidate the school districts and reduce their number. The new grouping was made on such lines that schools that had been poorly attended and meagerly

supported were provided with a larger circle from which to recruit their classes and with more adequate means for the employment of proper instructors and the maintenance of higher school standards.

The effect of the act when it had been passed by the Legislature of 1894, was to turn out of their places about three thousand five hundred school district trustees, who had held their positions so long that they had come to look upon them as their personal property, and, of course, the air became vocal with their protests against the innovation. There were loud demands for the repeal, or, at any rate, the essential modification of the law; but by the time a new Legislature was ready to go to the reconsideration of the matter, the new plan had so commended itself to the judgment of the real friends of the schools throughout the State that it was allowed to stand practically untouched. The beneficial results become more and more manifest every day, and the only direction in which the new system is likely to be touched is in that of embellishment and improvement.

Each succeeding administration attempted to wipe off the statute-books the act donating the riparian funds to the establishment of a free educational system. They urged that the money was needed for public purposes, and that the State could not afford to tie up so vast a sum for a mere theoretical end. Governor Parker, who succeeded Randolph, led the first attack, and each Governor after that time renewed it, but always without success, till Abbett went to the Governorship for his second term.

Governor Abbett insidiously prepared the public mind for the final coup. His first feint against it was made in the shape of a recommendation in his annual message of 1885, that "the expenses of the Riparian Commission ought to be paid out of the receipts before the money is placed in the school fund, because these expenses are necessary to secure and protect this riparian income." By the time the Legislature of 1887 met, he was more urgent on this point, and advised the passage of an act of that purport. When he came to the Governorship for the

second time, in 1890, he had in mind the establishment of an autocracy which could not be supported out of the limited income the State then had, and for the purpose of making up the deficiency, he came out flat-footed with a demand for the diversion of the fund "for the payment of the indebtedness of the State and to meet absolutely necessary appropriations."

"We owe over half a million dollars," he said in elaboration of his plea. "We have property which we are selling, the proceeds of which would gradually enable us to liquidate this indebtedness. Is it not financial wisdom, and for the best interests of the State, to use the revenue from this source to meet the obligations of the State? This proposition does not touch the school fund as it now exists; that is protected by the provisions of the Constitution. All that legislation on this subject could do would be to devote money which arises from this source by future sales and leases to the payment of State obligations. I recommend to the Legislature to pledge the money to be derived from the lands in the future to State purposes."

Major E. J. Anderson.

The suggestion that these moneys might be made available for general State purposes had originated with Major Edward J. Anderson, who had been promoted from the Deputy Comptrollership to be Comptroller himself, and was a recognized power in Republican councils. He urged that it was chimerical to look forward to the time when the accumulations of the fund from riparian sales would produce a capital that, invested, would yield enough money to free the State from the school tax; that up to that time the fund had grown only to $3,500,000, and that the income from it yielded but an inappreciable proportion of the moneys spent on the schools; that because of the growth

of population, and of the ever-increasing demand for new school facilities, it could never do more for the school system than it was doing at that time, and that it was, therefore, Utopian to nurse the fund any longer with the idea that it could be made to pay the expense of maintaining a universal free school system.

In the second place, he was against the policy of maintaining a large fund in idleness. Unwise investments or corrupt investments might waste it. And in the third place, the State was borrowing money, had lodged its own note with the managers of the fund for advances, and was, therefore, practically paying interest on its own money. Governor Abbett welcomed these pretexts that placed a new fund at the service of his glittering retinue of State functionaries. He had but to hold up his hand to the men who were serving in the Senate and the House at the time; and the act appropriating the riparian receipts to the current expense account went through both Houses in a twinkling, and received his signature the moment it reached him.

The diversion was, however, of short duration. The school fund had come to be looked upon by the people as a sacred trust, and the signs of popular displeasure were everywhere manifest; and when the State conventions of the two parties met in Trenton in the following fall to select candidates for Governor, both were forced to unanimously adopt resolutions declaring for the integrity of the State's school fund, and pledging the party to a repeal of Governor Abbett's law. The repealer went through at the next session of the Legislature without any opposition.

The diversion of this income from the use of the schools was not the only ambitious project in connection with the riparian lands to which Governor Abbett devoted himself. Toward the close of his second administration he attempted to secure legislation looking to the filling in of the reefs extending from Ellis Island to Robbins' Reef Lighthouse, off the Jersey shore, and the erection of a line of piers and warehouses upon the artificial island thus erected and a sale of the whole plant to those who

might make use of it. The Governor claimed that this improvement would be worth $5,000,000 to the State treasury. The Legislature passed the act which he drew, but the United States Government defeated its execution, after the interchange of diplomatic communications between Washington and Trenton, by a ruling that the State's exterior filling line did not extend as far out from the shore as the Governor's enterprise contemplated. There was always an idea that a railroad syndicate stood ready to buy the State's title to the reefs, and Governor Abbett is himself the authority for the statement that he could have sold the island for a vast sum of money before the close of his executive term if the project could have been carried to fruition.

The establishment of State school libraries, under an act of Mr. Niles, was one of the incidents of the discussion over the school fund. Mr. Niles had become satisfied, from the tone of their talk, that his fellow-members in the House and Senate would resist any attempt to support libraries for the schools with tax money, and he drew an act for their maintenance with gift money. It provided whenever $20 should be raised by gift in any school district, the State should make other gifts to match other contributions described in the bill. At the time of the passage of this act there was not a free public library in the State. Now, as the result of it, even every little famished school district in the State has its own library. Mr. Niles' estimate is that $250,000 has been invested in these little collections of books, and private contributions have been so encouraged by the promise of the State's assistance, that of this quarter million total less than $50,000 has come from public funds. Mr. Niles always maintained a lively interest in these libraries, and with his own hands had prepared the catalogues from which they have been made.

CHAPTER VII.

WHICH SHOWS HOW THE PICTURESQUE PURSUIT OF THE RASCALLY CITY TREASURER OF JERSEY CITY INTO MEXICO CONTRIBUTED TO THE MOVEMENT FOR A CONSTITUTIONAL CONVENTION AND A SYSTEM OF GENERAL LAWS.

HAVING, as they believed, perpetuated their ascendency in the Assembly through the agency of the gerrymander, the Republicans now sought to acquire control of the government of the cities. This was not a difficult thing to accomplish in some of the cities, where aldermanic gerrymanders were employed to produce majorities in the elective governing boards; but there were others where the Democratic majority was so pronounced that even this choice scheme of disfranchisement gave no hope of overcoming it. Jersey City was one of them. A party of speculating Republican contractors had set their eyes upon her treasury, and were now besieging the Legislature of 1871 for a charter that would be favorable to them. They found a pretext for a change in the disfavor into which the existing Democratic *regime* had fallen, and set on foot, through the agency of pliant newspaper organs, a public agitation for it. At that time all the functions of local government—the management of the police and fire departments, the care of the thoroughfares, the making of public improvements, the collection and disbursement of the municipal moneys, in fact, everything relating to the public interest—were administered by the Mayor and an elected Board of Aldermen. It was impossible to gerrymander this board into the hands of the Republicans, and an entire overhauling of the municipal system was decided upon. But they were puzzled to know how, after they had got rid of the obstructive board, they could juggle the public offices into their own hands.

Jonathan Dixon was at that time of the law firm of Dixon & Collins. He was recognized as one of the most skillful lawyers in the northern section of the State. Like the advocates of a change, he was a Republican, and they retained him to draw a bill that would aid them to their ends. In due course he evolved from his subtle brain the draft of an act that took out of the hands of the people absolutely the selection of their public servants, and consequently the control of their local affairs, and established, in the place of the popular representative boards that had been managing the municipality, a series of department commissions whose members were to be chosen by the Republican joint meetings of the Legislature. Those at whose instance the act was prepared were, of course, potential with the Assemblymen and Senator representing the city at Trenton; and the advice of these representatives, known as the local caucus, would, in the ordinary course of legislation, be law to the general caucus as to all matters pertaining to their locality. To explain: The general caucus is made up of all the Senators and Assemblymen of one party. The Senator from Cape May is not supposed to know anything of Jersey City's requirements as to men or measures, and consequently the request of the Jersey City representatives that certain officials be named, or certain enactments be passed, for Jersey City, is accepted as a matter of course in the general caucus. Thus, by controlling, as they expected to, the representatives of Jersey City in the two Houses, the Jersey City syndicate of office-seekers was able to name to the general caucus of the Legislature its own men as local rulers in the city, and to put them in office.

Counselor Dixon's new charter wiped out the entire Democratic city government, and established in its place a retinue of local boards for his partisan clients to thus name through the local caucus to the general caucus, and through the general caucus to the joint meeting. It established a Board of Works to be appointed by the Republican joint meeting, a Police Board to be appointed by joint meeting, a Fire Board to be appointed by joint meeting, a Finance Board to be appointed by joint meeting; and, while it left the Board of Aldermen,

sure to be Democratic by the voice of the people, standing, it divested it of every public function, except that possibly of granting licenses to saloon-keepers. This scheme of government made it possible for the Republican syndicate to impose upon Jersey City a whole raft of partisan placemen in the choice of whom the people had not the faintest possible voice, and who, if they had sought their offices through an election, might have suffered overwhelming defeat. Its effect was, as the result showed, to hand the municipal government—its taxes, its property and its improvements—over to an ambitious crowd of money-seekers.

The Democrats, in 1870, had set the precedent for legislation of this character by the introduction of several bills providing for the naming of local officers in joint meeting. Among the others was one deposing the Republican elective Police Commission in Newark and giving the control of the department into the hands of Andrew A. Smalley, Herman Schalk, John Dwyer and David Anderson, who were named, in the bill as a Police Commission in its stead. That act was railroaded through. Introduced on the night of January 25th, it was passed to second reading the following morning and to third reading at the afternoon session of the Assembly. Assemblymen Gurney and Bonsall made ineffectual protests against the indecorous haste with which it was being pushed, and after the completion of the third reading, Wilson, of Essex, made the point that it was not rulable to advance a bill two stages in one day; but Speaker Abbett silenced him with an autocratic decision that his objection was too late to be parliamentary—that "the gentleman should have objected while it was being read." When it reached the Senate, it was treated to the same kind of rapid transit. Senator Taylor, of Essex, attempted to substitute the names of other gentlemen for those in the bill, but Senator Noah D. Taylor, of Hudson, objected, and it went through in the shape in which it had come from the House.

The Jersey City act, fashioned on the same lines, was introduced into the Legislature by Assemblyman George H. Farrier. When it came up for discussion in the House, Assemblyman

Coogan led a fight against its enactment. Assemblyman George W. Patterson, of Monmouth, one of the most erratic but brilliant men who served in the halls of legislation at that time, urged the submission of the act, before it should become operative, to the people of the city. Assemblyman James F. Fielder opposed that proposition, and Patterson, assured of the popular unacceptability of the measure, volunteered to modify his amendment so that the act should become operative if only a third, or even a quarter, of the residents supported it by their ballots. Assemblyman Hornblower interposed the technical objection that the Legislature had no right to delegate its power in that way, and the bill was whipped through both Houses with hardly creditable speed.

The ring that took possession of Jersey City under it made the purposes of its formation known in its acts almost as soon as it reached the public offices. Every scheme of public improvement was a job for the enrichment of some of its members. Money was squandered right and left. Tax rates were screwed up to their highest point, and the public debt increased a million at a jump. These methods brought the administration into such popular disfavor all over the State, in course of time, that a committee was sent by the Legislature to Jersey City to investigate the scandals of its rule, but when they reached the town they were taken into camp by the ring managers and wined and dined by Commissioners Gregory, Martin, Pritchard and others till they were in a complacent humor, and their eyes were willingly closed to all they might have seen.

The condition of things grew to be so notoriously bad that Governor Joel Parker was provoked into a special message calling attention to the need of relieving legislation, and the "State Gazette," the "Newark Courier" and other Republican papers denounced their methods as robbery. Senator McPherson, then representing Hudson county, made an attempt to restore popular government by the introduction of acts making the commissions elective. Not one of his Republican colleagues dared to brave public opinion by going squarely to the defense of the ringsters. But for the purpose of preserving the status that the Ring had

created, they resorted to the old expedient of meeting every movement for a change by proposing something more liberal, which they, of course, had no idea of enacting. So when Mr. McPherson's bill taking from the joint meeting the right to appoint the local officials and vesting the people with their selection, reached the point of consideration in the Senate, he was confronted by petitions, evidently gotten up under the auspices of the ringsters, for other bills making an even more radical uprooting of the vicious system prevailing there. Under the pretense that they desired to reserve their support for these more liberal measures, the Republican Senators with the exception of Taylor, of Essex, and Conover voted against the McPherson bill and defeated it. Beesley, Belden, Bettle, Havens, Hewitt, Hopkins, Irick, Jarrard, Moore, Shepard and Williams cast the eleven adverse ballots that settled its fate.

The bill which they ostensibly favored, and in the interest of which they claimed to have defeated McPherson's bill, not only restored the right of local self-government to the people, but wiped out all the commissions, and replaced the old-time government of the city by a Mayor and a Board of Aldermen. The Republican House members were making a noisy pretense of pushing a measure of that kind, and the Senators chose to take the view that it would come to them from the other chamber for concurrence. The lash of public sentiment stung the House members into the consideration of a lot of demanded amendments to the city charter, but they engaged in a pre-arranged quarrel as to which should go through, and kept the whole subject hung up till at the end of the session nothing had been done, and the city's unwelcome invaders were left in undisturbed possession. Meanwhile the people had started in pursuit of the Ring through other avenues, and the excesses of the ringsters themselves helped to point out to the whole Commonwealth the impolicy and danger of committing the conduct of local affairs to irresponsible agents named by the Legislature and boards made up of men in whose selection the people had no voice, but whose rule, however obnoxious, the communities were obliged to submit to. Some members of the Board of Works were in-

dicted for fraud in connection with the purchase of real estate needed for the city's use, and the members of the Police Commission were brought up with a round turn for malfeasances of other kinds.

These convictions served to draw the attention of the State to the corrupt condition of things in Jersey City and to emphasize the idea that that kind of a government established over the heads of the people was not the most perfect system of municipal government imaginable. But a few months later the State was treated to a more picturesque object-lesson on the subject, consequent upon the disappearance from the City Hall of Alexander Hamilton, the ring City Treasurer, with thousands of the city's money. Police Inspector Benjamin F. Murphy's romantic pursuit of him among the outlaws of lower Texas and Mexico served to bring the system he represented into the brighter glare of publicity. Because of its importance in giving drift to public discussion, as well as for its own intrinsic interest, the details of this incident are worth narrating.

Hamilton was a low-lived fellow, given to evil associations, and the first notion, when it was learned that he was missing, was that he had gone off on a bit of a spree with Winetta Montague, a vivacious variety actress who had recently appeared upon the boards of a Jersey City theatre. His continued absence and the discovery that he had robbed the treasury soon led to the conviction, however, that if he had gone with her he had gone to stay.

The first tidings of his whereabouts were brought several months later, in a dispatch received by Chief of Police Benjamin Champney, of Jersey City, from a constable named Carson, in Brownsville, Texas. A stage-driver, who had just come into Brownsville from Corpus Christi, told the story of an anxious traveler who had tried to board his coach.

"My business is urgent," this stranger had said, when he feared that for want of room he might not be admitted to the coach, "and I must reach Mexico at once if it costs a fortune."

A desperado named Hutchinson who overheard him volunteered to take him to Mexico for a hundred dollars, and when

Hamilton accepted him for an escort, Hutchinson took his cousin, Thomas Parker, who was the Chief of Police of Corpus Christi and just as bad a man as himself, into his confidence. These two, before starting out with him, sent couriers ahead to notify outlaw confederates of theirs that they had a rich victim in tow, and when Hamilton had been carried forty miles beyond the town, Parker and three pals who joined him overpowered him and took $7,500 in cash from him. Hamilton had cunningly concealed the rest of his plunder, and, believing that they had stripped him of all he had, they handed him over to Pedro Manuel, one of their gang, and ordered him to conduct him into Mexico.

"If he doesn't reach Mexico safely," Parker cautioned Pedro as he parted from him, "we'll take your brother's life in Corpus Christi."

Pedro, on reaching Brownsville with his charge, boasted of the robbery on the plains; and a woman whose husband he had killed, overhearing him, confided the story to Chief Carson. Carson at once surmised that the traveler was no other than the missing Jersey City defaulter and hastened to notify the Jersey City police. Inspector Benjamin F. Murphy was fitted out with railroad passes within an hour after the dispatch arrived and sent in pursuit. When he reached Indianola, he learned of the Corpus Christi incident and employed a boatman to carry him across the bay to that town.

"May I leave my satchel with you?" he asked of the seaman when he was preparing to depart.

"Oh, yes," laughed the boatman, with cheerful good nature. "The other night I had the valise of the Treasurer of New Jersey, with a million in it, for a piller. If I'd a known on it, there'd a' bin another cap'n on this ferry to-day."

When Murphy reached Corpus Christi, he learned that all the officials and outlaws of the region were after Hamilton to rob him in their various ways. Hamilton, himself realizing that he had fallen among a lot of thieves, had, meanwhile, offered a notorious outlaw, known as "Happy Jack," any amount of money to protect him, and "Happy Jack" had

handed him over to Cortinas, a famous Mexican bandit who had just proclaimed himself Mayor of Matamoras. Inspector Murphy was disposed to have an interview with Cortinas at once, but a native advised him to wait for a few minutes, till a pending revolution was over. His curiosity, of course, prompted him to go to the City Hall, which was the center of excitement at the time, and he found it in the possession of a lot of the most desperate-looking thugs and cut-throats he had ever seen in his life.

"Who demands possession of this town from me now?" Cortinas shouted, stepping proudly into their midst. "Click," "click," "click," was the response. A hundred cocked pistols showed that his gang was prepared for any man who dared to dispute his authority. If there was one there to say him "nay," he was silent, prudently under the circumstances, and Cortinas commanded an easy acquiescence in his usurpation. After witnessing this entertaining exhibition of political methods in Mexico, Murphy concluded that it would be wise to have company when he went to see Cortinas, and he took Colonel Corbin, who was then in command of Fort Brown, Texas, and United States Consul Wilson with him. Cortinas was in his adobe hut, just outside the city, at the time of their visit. Hamilton was there too, but concealed from view behind portieres. When Murphy made his demand, Cortinas pretended never to have heard of the fugitive, and it was so plain in all their subsequent negotiations that the outlaw intended to keep Hamiliton under his wing as long as he had a dollar to hand up, that Murphy abandoned all hope of bringing him home, and came home himself.

A couple of months later, the bell of Murphy's house door rang, and the servant announced that a man with the aspect of a tramp wanted to see him. When Murphy stepped to the door, who should be there but Hamilton, shabby and broken-spirited, and come to surrender himself into the hands of the law! Cortinas had "protected" him out of every dollar he had, then shipped him to Brazil in a sailing vessel, and left him there to make his way home as best he could. A few days later, he was

taken before Judge Bedle. His plea of guilty was entered, and a sentence of three years' imprisonment was imposed upon him.

These convictions and this picturesque pursuit of Hamilton served admirably to point the moral for the opponents of the system of legislative commissions. The agitation for the passage of a general law to settle disputes between rival railroad corporations had served to suggest a like remedy for the protection of the municipalities against the abuses of public functions that were making Jersey City a public scandal. If it were politic to do away with special legislation in the interest of specified railroad syndicates, why not more politic to put an end to the possibility of such special laws as these that had placed this luckless community at the mercy of a gang of looters who happened to have the ear of the Legislature? So there came to be a pronounced sentiment all over the State in favor of the government of cities and counties and of the regulation of all other interests that could be so regulated, by a system of general laws.

This could be accomplished, however, only by an amendment to the State Constitution or by the adoption of a new Constitution. A new Constitution can be framed by a convention of delegates chosen directly, under authority of the Legislature, by the people. Upon its completion the work of the convention must be submitted to popular vote for acceptance or rejection, and in the event of its acceptance by the electors it supersedes the old instrument and becomes at once the organic law of the State. Authority for a Constitutional Convention is not, however, an easy thing to secure from New Jersey Legislatures. The Senate, since 1846, has stood resolutely against it, because of a fear that the making of a new Constitution would interfere with the basis of Senate representation. The present Constitution limits each county to one Senator without regard to its size; and in the deliberations of the Senate, Cape May, with its less than 12,000 people, has as much voice as Essex with her more than 300,000, or Hudson with her 275,000. The larger counties have long contended that this disproportionate system of representation should be remedied, and if they could get a Constitutional Convention they would doubtless see to it that the Senate is made

more equably representative. But the smaller counties, which are monstrously over-represented, outnumber the larger counties, which are as monstrously under-represented, two to one, and their determination to preserve their unfair preponderance in the Senate is the explanation of the intrepidity with which the Senate has for fifty years defeated all attempts to make a new Constitution.

CHAPTER VIII.

WHICH IS A SHORT CHAPTER DEVOTED TO THE SALIENT POINTS OF THE CONSTITUTIONAL COMMISSION.

GOVERNOR PARKER, however, determined to force the issue. He doubtless saw that there was no possibility of achieving anything through a suggestion for a Constitutional Convention, but in his message, submitted at the opening of the Legislature in 1873, he nevertheless made bold to propose it.

"The State Constitution should require general laws," he wrote, "and forbid the enactment of all special or private laws embracing subjects where general laws can be made applicable."

And then he called attention to the enormous volume of special and private laws that each Legislature turned out.

"The general public laws passed at the last session," he remarked, "are contained in about one hundred pages of the printed volume of Sessional Laws, while the special and private laws occupy over one thousand two hundred and fifty pages of the same book."

He recommended a Constitutional Convention to put an end to this unwholesome system of legislation, and urged that the making of irrevocable grants of special privileges to individuals or corporations, such as had been made to the old Camden and Amboy monopoly and other railroads which had also set up the claim that favorable legislation granted to them in their early days was in the nature of a contract between them and the State, should be forbidden, and that the new Constitution should require equal taxation and general laws for the government of the municipalities of the State. The two Houses to which this message was submitted were both, it may be observed in passing, Republican, fourteen of the twenty-one Senators and forty-four of the

sixty Assemblymen being of that faith. They had organized by the selection of John W. Taylor, of Essex, as the presiding officer of the Senate, with John F. Babcock as its Secretary, and of Isaac L. Fisher, of Middlesex, as Speaker of the House, with Sinnickson Chew as Clerk.

The recommendation was acted upon by the Legislature later in the session. For the reason already explained, the suggestion that the revision be made by a Constitutional Convention was not accepted, but the House authorized the Governor to appoint a special commission to propose amendments to the existing Constitution.

John W. Taylor.

The amendment of the Constitution by this method left it within the power of the Senate to protect itself against all attempts to disturb the basis of representation. By its own terms the Bill of Rights can be amended only by the concurrent action of two Legislatures and the subsequent ratification of the people. If the Senate were dissatisfied—or if either House were dissatisfied—with any amendment such a commission might propose, it could easily defeat its incorporation into the Constitution by refusing to submit it to popular vote.

The Constitutional Commission consisted of John F. Babcock, of Middlesex; Benjamin F. Carter, of Gloucester; Augustus W. Cutler, of Morris; Philemon Dickinson, of Mercer; Dudley S. Gregory, of Hudson; Jacob L. Swayze, of Sussex; Robert Gilchrist, of Hudson; Samuel H. Grey, of Camden; George J. Ferry, of Essex; Robert S. Green, of Union; Joseph

Thompson, of Somerset; John W. Taylor, of Essex; John C. Ten Eyck; Benjamin Buckley, of Passaic; and Abraham O. Zabriskie, of Hudson. Mr. Gilchrist was unable to serve, and William Brinkerhoff, a well-known Jersey City lawyer, was substituted for him. Mr. Zabriskie's other duties prevented him, too, from giving his time to the Commission, and A. S. Hubbell, of Essex, was named to succeed him.

When the Commission as thus finally made up entered upon its work, it did not, of course, confine itself to the consideration of the particular reforms that had prompted its appointment. With an intuition that it would be worse than folly to spend time upon the question of Senate representation, it left that topic severely alone, but it made an excursion for defects through all the rest of the State's Bill of Rights and applied remedies wherever it thought they were needed. Among the other reforms proposed was one by Mr. Gregory for biennial legislative sessions, and another suggestion was that a two-thirds vote should be required to override the Governor's veto. Mr. Ten Eyck opposed the extension of the veto power of the Governor with the epigrammatic plea that the people did not care to make the Governor a part of the Legislature. Mr. Cutler warmly advocated the two-thirds vote rule, but the proposition was defeated by a tie vote. The school question—that part of it, at any rate, which related to the raising of taxes for the support of the schools—also came largely into the discussion. Under the existing Constitution the school moneys are raised by tax, based, of course, on valuations from the several counties in the State, and redistributed by the State among the counties on the basis of children. In its practical operation, the county that has more dollars than school children contributes to the maintenance of the schools in other counties that have more children than dollars. Mr. Cutler thought this system inequitable, and his insistment was that each county should get back its money in the redistribution on the basis on which it had paid it in—that is, the school tax having been raised in the several counties according to valuations, it should be re-apportioned among them on the basis of valuations. Mr. Grey urged the broader theory

that the schools are a State institution, and that, without regard to county lines, the State should see that they are properly sustained. The Commission made no recommendation on this point.

When the question of forbidding the donation of public moneys or lands to religious corporations was reached, there was no division in the Commission. Mr. Swayze's amendment that no public moneys should be paid to any religious, church or sectarian association met with a ready acquiescence.

With the experience of the State in the matter of railroad monopolies and tax exemptions before his eyes, Mr. Brinkerhoff suggested an amendment authorizing the Legislature to take from persons or corporations any exclusive privileges they enjoyed. Mr. Gregory desired an amendment for the equalization of values among the counties once in four years, but that was defeated. An amendment that the penalty for the taking of a bribe by a member of the Legislature should be forfeiture of membership and prosecution for perjury was proposed and adopted, but the Senate of 1874 refused to submit it to the people. But overshadowing all these minor considerations was the question of general laws. With the experience of Jersey City to enlighten the judgment of the Commissioners, it was treated with unusual fullness, and a number of recommendations were made to the Legislature. The most important of these forbade the passage of private, local, or special laws regulating the internal affairs of towns or counties, or for the appointment of local officers or commissioners to regulate municipal affairs, and directed that the Legislature should pass general laws providing for the cases enumerated, and for all other cases which, in its judgment, could be provided for by general laws.

The Legislature that went to Trenton at the opening of the session of 1874 to consider these amendments was overwhelmingly Republican in both branches. The Senate, with fourteen Republicans and seven Democrats in it, re-elected John W. Taylor President and John F. Babcock Secretary. The thirty-three Republicans in the Assembly advanced Garret A. Hobart, the florid-faced and smooth-tongued statesman from Passaic, to

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the Speaker's chair, over Andrew Jackson Smith, who had the votes of the twenty-seven Democratic members.

The Republican majority on joint ballot was thirteen, and there were some unusually able men on the floor of each chamber. John R. McPherson was still in the Senate from Hudson; the courtly John Hopper was his colleague from Passaic, and Frederic A. Potts, a millionaire coal operator, of dignified bearing and handsome presence, was there from Somerset. Among the House members were Julius C. Fitzgerald, of Essex, who made a notable reputation as a debater; the bright-faced and keen-witted Samuel Morrow, from the same county; Alexander T. McGill, then a smiling young lawyer from Hudson and son of one of the oldest professors in Princeton College; John D. Carscallen, who distinguished himself by his eloquent defense of the Jersey City commission government, and, like McGill, a Hudson man; George O. Vanderbilt, of Mercer; the irrepressible Andrew Jackson Smith, of Mercer; droll George W. Patterson, "fresh from the battle-fields of Monmouth," and the soldierly and dignified Captain Wm. H. Gill, of Union.

In his message Governor Parker spoke commendingly of the work of the Constitutional Commission, which he laid before the members for their consideration.

"Seldom has a deliberative body convened," he wrote, "in which so little local prejudice or partisan feeling existed, or in which greater patriotism, wisdom and discretion were displayed." And, of course, the amendments suggested by the Commission formed the chief topic of discussion in the two Houses. Senator Stone, of Union, a gentleman who had a very thick tongue, but enjoyed the reputation of being a lawyer of unusual capacity, led a crusade against the Commission's suggestion that private property shall not be taken for public purposes without just compensation, and secured its defeat by a vote of seventeen to two. The Legislature, in fact, rejected a good many of the suggestions made by the Commission. But those forbidding special legislation for cities and counties, requiring the regulation of their internal affairs by general laws, directing that property

shall be assessed for taxes under general laws and by uniform rules according to its true value, and declaring that no donation of land or appropriation of money should be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever—representing the essential work of the Commission—were accepted by the two Houses, and referred to the Legislature of 1875.

CHAPTER IX.

IF THIS CHAPTER SEEMS TO BREAK THE CONTINUITY OF THE NARRATIVE CONCERNING THE ADOPTION OF THE GENERAL LAW SYSTEM, IT IS ONLY TO SHOW HOW A NEW GOVERNOR WAS ELECTED TO CARRY THE REFORM FORWARD.

IN the midst of these movements for the incorporation of the system of general laws into the State Constitution, Governor Parker's term expired, and preparations were made for the election of his successor. The ease with which the Republicans had swept the State in the fall of 1873 led them to the belief that they might win the Governorship in the fall of 1874 with a popular candidate, and George A. Halsey, of Newark, one of the strongest men in the party, was, by common consent, picked out as their nominee. The convention met early, August 27th, so as to give time for a thorough canvass of the State. Senator Potts called it to order, and J. Weyman Jones, of Hudson, was Chairman. There was no aspirant in the field against Mr. Halsey, and his nomination was made by acclamation. Mr. Halsey was undoubtedly the most popular man of the party in the State at the time. He was at the head of the leather manufacturing industry, a man of large wealth, and of such fair instincts that the hundreds of hands in his service were ready to speak in his favor to the laboring voters in the State. He had been a Representative in Congress, and was at one time offered the position of Register of the United States Treasury by General Grant. He was one of the chief men in the commission named by Governor Randolph for the management of the insane asylum at Morris Plains, said to be the second finest asylum of its kind in the world. He enjoyed the confidence and respect of the people in the northern section of the State, where he was best known, to an unusual degree, and was known

George A. Halsey.

to have no sympathy whatever with the iniquitous system of Legislative Commissions, under which the ring of Republican jobbers was robbing Jersey City. The sufferings of the people of that municipality had aroused the public concern and sympathy from one end of the State to the other. Other municipalities feared that the establishment of the same system over them might subject them to the same evils, and the people everywhere were consequently aroused to the perils of the situation. The countenance which the party as represented in several Legislatures had given to the system was felt to be a handicap to Republican success, and the leaders appreciated the necessity of offering to the people as its candidate for Governor a citizen whose high character and standing would be a guarantee of better methods.

If opposition to Legislative Commissions was a necessary qualification in a Republican candidate, it was an even more important desideratum in the selection of a Democratic candidate. The most marked stand the party had made on any question of public policy of late years was this which it had taken against the plan of ruling local governments by men named in Trenton; and in the choice of the party's gubernatorial candidate, it was of first importance that he should be one whose record was most pronounced on that issue. As the presiding official of the Hudson County Court of Oyer and Terminer, Judge Joseph D. Bedle had, since his defeat in the convention of 1872, made a notable record on the all-absorbing question. He had helped to bring to justice the servants—yes, the chiefs—of the ring that had seized control of the Jersey City government. His fervent charges to the grand jury had led to their indictment for fraud and conspiracy; it was before him that they had been tried, and by him that they had been sentenced. His work on the Bench had been a burning protest against the continuance of the evil. Not only had he denounced the system; he had actively pursued the men who benefited by it. An aroused sentiment therefore pointed out this rotund and cherub-faced Justice of the Supreme Court as the man of all men to bear the standard in the gubernatorial campaign, and to make all over the State the

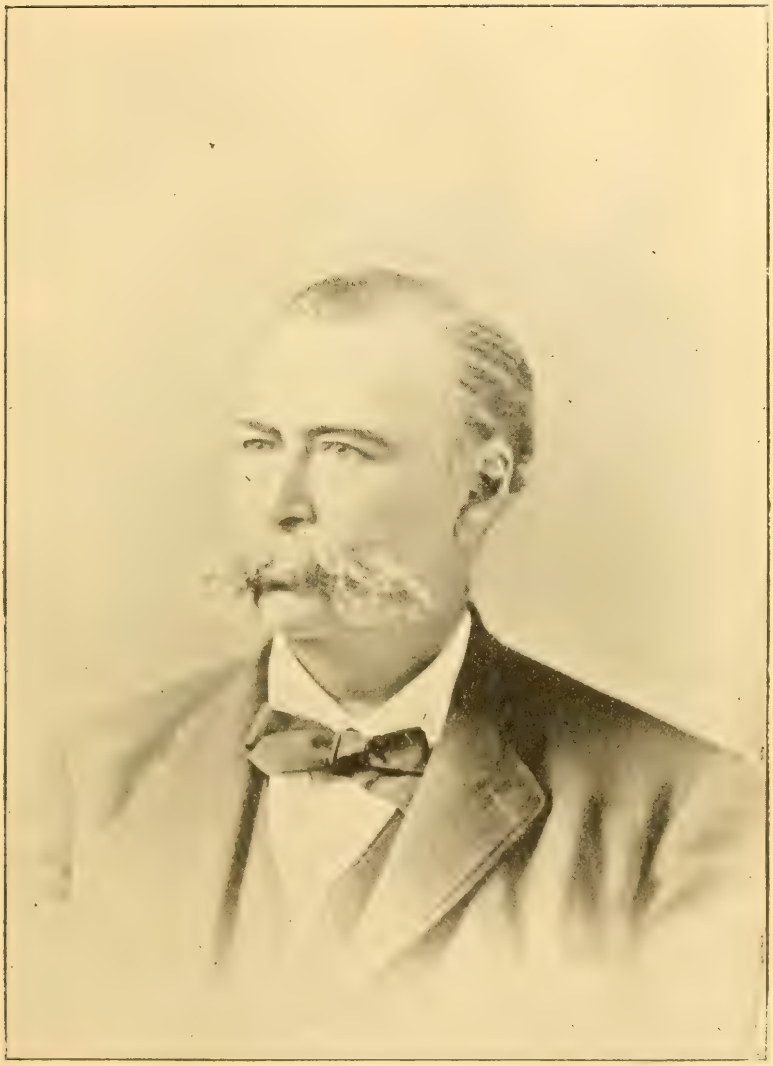
struggle in behalf of home rule which he had so vigorously conducted in Hudson. And so when the Democratic State Convention met in Trenton three weeks after the Republicans had put Mr. Halsey forward, it was expected only to go through the perfunctory process of putting Judge Bedle in formal nomination, and there was a cut-and-dried aspect about the proceedings that really concealed an awful amount of party enthusiasm. Colonel William P. McMichael called the delegates to order, and Benjamin F. Carter, of Gloucester, whom the State Committee made temporary Chairman, gave way in the permanent organization to Jacob Vanatta, a keen Morristown lawyer, whom Bedle, when he became Governor, made Attorney-General. On the roll-call of counties, every one except Camden, which cast three of its votes for General Haight, of Monmouth, and Bedle's own county of Hudson, two of whose votes were corralled by John T. Bird, of Hunterdon, declared for Bedle, and before the formal tally was begun Bedle was made the unanimous choice of the convention. A little incident of the convention that becomes of interest because of the circumstances surrounding the subsequent nomination of General McClellan, was that when a delegate named McClellan was proposed by the Salem delegation as its member of one of the committees, the whole convention, mistaking the name for that of the famous hero of Antietam, rose to its feet and broke into the wildest demonstrations of enthusiasm.

The fight at the polls was carried on by the Republicans on straight party lines, with little sly intimations, for the diversion of the Democratic vote, that Bedle represented in the fight only the Randolph aristocracy in the State House Ring, while the Democrats forced the issue of Legislative Commissions to the front, and made a gallant battle for local self-government. The majority of 13,233 by which Bedle carried the State, unprecedented in all of the history of State politics, except in 1862, when Joel Parker carried it by 14,000 and over, was all the more notable because of Judge Bedle's refusal to resign his place on the Bench and of his consequent inability to lead the campaign in person. An incident of the campaign was the destruc-

tion of the Republican majority in the lower House and the election of an Assembly more than two-thirds Democratic—forty-one Democrats to nineteen Republicans—to open the new administration in 1875. The Republican hold-overs in the Senate enabled that party to retain control of that higher branch of the Legislature, however, and, so, to foil any attempts at administrative reform that the new Governor and the Democratic Assembly might set on foot.

At the opening of the Legislature of 1875, John W. Taylor, of Essex, entered upon his third term as President of the Senate, and N. W. Voorhees, of Hunterdon, succeeded Babcock as Secretary. The Democratic caucus of the Assembly advanced George O. Vanderbilt, of Mercer, to the Speakership, and selected John Carpenter, Jr., of Hunterdon, as Clerk. The session gave promise, because of the importance of the business the two Houses had in hand, of being an unusually interesting one, and it was besides attended by excitements that cast no shadows before. Action for the second time on the proposed amendments to the Constitution, and the election of a United States Senator to succeed John P. Stockton, were two of the things everybody knew they had to do.

One of the unanticipated excitements was the removal of Mr. Carpenter from his Clerkship, within a week after he had been inducted into the office, on charges of having entered into a discreditable deal concerning one of the subordinate places at his disposal. In order to secure votes for himself for the Clerkship he had promised the Journal Clerkship to two men, one Sayre and one Bamford. It was of course impossible for the two to have the one position, and a hat was brought and two ballots were put into it. The rivals drew from the hat on the understanding that he who picked up the one with "No. 1" marked on it was to have the coveted place and to recompense the other with his three-months' note for $500 with Mr. Carpenter's indorsement upon it. Bamford drew the lucky slip and handed the promised note over to Sayre. No one would ever have heard anything about the transaction if, after the drawing, Mr. Carpenter had put Bamford in the promised position. He was



John P. Stockton.

subjected, however, by the members who had given him his own place, to enormous pressure for the appointment of a third man, and he weakly yielded to it.

Sayre had been shrewd enough, immediately after he received the note, to sell it to an innocent third party and the disappointed and angry Bamford, finding himself responsible for the debt and minus the office which he supposed he had bought with it, began a suit against Carpenter for misrepresentation and fraud. The affair became so notoriously public that the House could not close its eyes to the transaction, and a committee, consisting of Samuel Morrow, Alexander T. McGill, Charles D. Hendrickson, Henry Moffett and Henry B. Wilson, appointed to inquire into it, concluded that from first to last the transaction was "wholly disreputable," and deserving "unmistakable rebuke" more than mere censure. Captain Gill, supported by Assemblymen Carey and Edward F. McDonald, of Hudson, endeavored to induce the House to let Carpenter out of it with a censure; but Assemblyman Fitzgerald argued that nothing short of dismissal would meet the requirements and carried the House by a vote of forty-three to seventeen with him. Austin Patterson, of Monmouth, who had been once Speaker of the House himself and whose entertaining brother George was then a member, was appointed Carpenter's successor.

In the first flush of discovery the transaction seemed to be a good deal blacker than it really was, but when the excitement had calmed down it was seen that Mr. Carpenter had planned on personal profit for himself by it and that he was only the unfortunate victim of a situation that he had not been tactful enough to avoid. His dismissal from the House service put him, of course, under a cloud for a time, but within a few years he had sufficiently recovered his prestige to be elected for two terms to represent the county of Hunterdon in the State Senate and subsequently to serve the Senate itself as its Secretary.

There was much bitterness among the members over the selection of a United States Senator, one of the functions the Legislature was expected to discharge. The State House managers had warmly urged ex-Governor Randolph for the position, but that

party of leaders was gradually growing to be unpopular among the masses. Randolph was obnoxious because he was believed to have been identified with the old Know-nothing party, and his election to the Governorship was said to have been largely promoted by what of that party remained Leon Abbett had grown into prominence as a figure in State politics. He had shown himself to be a man of much force of character and great combativeness, while he was everywhere recognized as an unusually magnetic stump talker, though he had none of the graces of the polished orator—aggressive and brainy—in a word, he had come to be looked upon as a man of exceptional power.

Without seeming to make it his business to attack the State House magnates, he had sedulously intensified the impression that they represented a band of aristocrats who had no sympathy with the workingmen of the State; but now, on the eve of the senatorial contest, he was outspoken in demanding the high office for a man more in sympathy with the people. Senator McPherson joined hands with him in an effort to secure the prize for Robert Gilchrist, the Attorney-General of the State, and one of the most dramatic and effective pleaders at the bar. Senator Stockton, the incumbent, though he represented a family of historical lineage and should have easily captured the more aristocratic element in the caucus, was rudely pushed aside by both factions, and the struggle for the favor of the caucus lay between Randolph and Gilchrist. Mr. Gilchrist made an interesting and brilliant campaign among the members, but the State House autocrats, through their control of the party machinery everywhere, had succeeded in filling the legislative seats with men whom they could count on, and on the second ballot the caucus named Randolph as the party candidate for the shining honor. But forty-seven of the forty-nine Democratic members of the two Houses seem to have been present at the caucus. Of those, twenty-eight voted for Randolph, fourteen for Gilchrist, five for Stockton. Randolph had an easy majority, and, of course, all the competing candidates stood out of his way. In the Joint Convention, held two days later, it fell to Abbett's lot to make formal presentation of Mr. Randolph's name, and

Senator Sewell, on behalf of the Republican minority, presented ex-Secretary George M. Robeson's name. The Democrats having a majority, Mr. Randolph was, of course, elected. Governor Bedle, as a part of the Randolph regime, afterward punished Gilchrist for his contumacy in going into caucus as the rival of the ex-Governor, by deposing him from the Attorney-Generalship, and appointed ex-Governor Joel Parker in his stead.

CHAPTER X.

WHICH EMBRACES THE STORY OF THE CATHOLIC PROTECTORY BILL, AND SHOWS HOW ONE OF THE MOST ARDENT RELIGIOUS CONTROVERSIES OF RECENT YEARS LED TO THE POPULAR APPROVAL OF THE CONSTITUTIONAL AMENDMENTS.

THESE were, however, only incidents of the history of that period. The thread of the narrative was caught up later in the session, when the duty of dealing with the Constitutional amendments prepared by the Commission and already approved by the Legislature of 1874 was entered upon. Governor Bedle had been elected on the Home-rule platform, and in his inaugural address he took occasion to give those of the amendments touching that subject a fresh indorsement.

"It is plain," he said, "that in New York and New Jersey the system of legislative commissions has failed. The best municipal government is that where the people govern themselves, and I hope to see the day when every city in the State shall be governed by a general law, guaranteeing to it local self-rule."

The Governor's first veto, too, was of a bill to incorporate a little manufacturing company in Newark on the ground that it was special, and the sentiment against special laws and legislative commissions was fed all through the session by the attempts to amend the most vicious and obnoxious features out of the Jersey City charter. Assemblyman McGill, then a smiling young Jersey City lawyer, representing one of the Hudson districts, offered the bill aimed at these reforms that attracted the most attention. It was opposed by his Hudson colleague, Carscallen, and his Essex colleague, Mr. Kirk, and advocated by

George Patterson and Mr. Fitzgerald. Its progress through the House was so hotly contested at each step, however, that, like all the other measures of that trend, it failed of fruition.

The pleadings by the Governor, and the ceaseless agitation of the Jersey City scandals, were not, however, without their effect. The Legislature took up the amendments which had been approved by the Legislature of 1874 and formally concurred in them. They had yet, before they could become a part of the organic law, to be submitted to a vote of the people, and the first Tuesday in the following September—the seventh—was designated by the lawmaking power for the taking of the vote.

The special election had no sooner been ordered than the Legislature proceeded to make a record that called forceful attention to them. Among the amendments, as already stated, was one providing that no donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

The Catholic authorities of the Diocese feared that this amendment, with the other forbidding the passage of special laws, would prevent the carrying out of some enterprises that they were preparing to go into with the aid of the State. One of these was the establishment of a reformatory for the special care of children of Catholic parentage. In order to secure the establishment of such an institution before the prohibitive clauses could become operative, the Bishop had a bill providing for it prepared, and gave it to the big-bodied and big-hearted Assemblyman Doyle, of Essex, to introduce. It contemplated the maintenance of an institution, to be known as a Catholic Protectory, out of the funds of the State; established a prison, to which all the younger Catholic prisoners should be committed, and authorized the seizure by the police of idle, truant and delinquent children of Catholic parents, and their commitment to its walls. The institution was to be entirely under the control of the Church, and the State was to have no connection with it at all—except to pay the expense of its maintenance.

The mere introduction of the act might have been expected to

arouse the people from one end of the State to the other, but for some inscrutable reason it lay unattacked in a committee of the House for weeks. Not till one of the New York newspapers explained its purpose were its opponents primed for a fight against it. Mr. Doyle, who introduced it, a big, jovial, rollicking fellow, made no secret of its purpose, and frankly admitted, when he was taxed about it, that it had been sent to him by the Bishop of the Diocese of Newark. Mr. Doyle found its most aggressive opponent in one of his own colleagues from Essex, William H. Kirk. Mr. Kirk was a stalwart fellow of heavy build, with dark, overhanging brow and keen black eyes, and suggestive, in his methods of speaking, of a Presbyterian Sunday-school teacher. He had not been particularly conspicuous in the debates of the session till this act of his fellow-member aroused his combativeness. When the act was called up in the House on final passage, Kirk walked from his desk solemnly down the middle aisle and began an address that was printed in full in every newspaper in the State. He showed that the act was intended to establish by the authority and with the money of the State a penal institution that would be exclusively under secular control, and he urged that its passage would be the entering wedge against the observance of the wholesome doctrine of the total separation of the Church from the State.

"Not a Protestant in the land," he shouted, "would have the unblushing effrontery to propose such a bill," and then advancing to the Clerk's desk he laid down the protest of the Newark Methodist Episcopal Conference against its passage. The stout-lunged McDonald, of Hudson, maintained that there was not a provision in the bill that had not been adopted in New York, Massachusetts and England; that there were 300,000 Catholics in the State, and that they would not submit to having their children sent to an institution where the love for their religion was likely to be crushed out, and he insisted that the act did not call for a cent of aid from the State. Fitzgerald, of Essex, made a swelling speech about the separation of the Church and the State, and then wheeled around to the support of the act. T. S. Henry, of Essex, professed to be unable to see anything

improper in the act, and the sleek Rabe, of Hudson, went to the aid of the act with the lawyer's plea that the incorporation of the Drew Theological Seminary was as much the State's recognition of a Church. Mr. Kirk met these criticisms with the observation that the wicked feature of the bill was that it allowed the State no voice in the management of the Protectory. In spite of Mr. Kirk's struggle against it the House passed it by a vote of thirty-six to twenty. The thirty-six affirmative votes which put it through were cast by Assemblymen Anderson, Blancke, Bird, Bogert, Carrolton, Carey, Conover (W. V.), Dodd, Doyle, Fitzgerald, F. French, Gill, Gordon, Hendrickson, David Henry, T. S. Henry, Magee, McDonald, McDonnell, McGill, Patterson, Pope, Rabe, Shann, Sheeran, Skellinger, Sutphen, Swayze, Swing, Van Cleef, Vanderbilt, Warrington, Wilson, Woodruff, Wyckoff and Zeluff.

The negative votes were given by Messrs. Carpenter, Carscallen, Conover, Edmunds, Goble, Halsey, Kirk, Lodge, Morrow, Owen, Payne, Scovel, Taylor, Teed, Toffey, Torbett, Voorhees, Youmans and Youngblood. The Assemblymen who by their absence from the Chamber at the time the vote was taken, under suspicion of having dodged, were H. C. Herring, R. N. Herring, Kinnard and Moffett.

Assemblyman Kirk had not any idea what a great man he had made of himself by his attack on the bill till he went back to his constituents in Newark. There he was received with the most effusive enthusiasm. The Order of United American Mechanics arranged a demonstration in his favor, and a great public meeting, attended by men of all parties, was the outcome. Resolutions indorsing his stand were adopted by all the councils of the order, and his fight against the bill was the theme of the ministers in half the pulpits in the State.

When the act reached the Senate for concurrence, it was sent to one of the committees and so emasculated as to be scarcely recognizable. When it made its appearance on the Senate calendar again, on a report from the committee, it was accompanied by a still more radical church measure that Senator Abbett, of Hudson, had started on its travels through the two Houses.

This act, known as the Liberty of Conscience bill, was aimed at the admission of priests to the State reformatories, penal institutions and asylums. The Hudson Senator based his arguments for the passage of the act upon the broad constitutional provision protecting the citizen in his inestimable privilege of worshiping Almighty God in the manner most agreeable to the dictates of his conscience, and on the claim that some of the rites of the Catholic Church that might be allowable in the State institutions were not open to people of that faith who were inmates of them. He succeeded in forcing his bill to a vote before the Catholic Protectory bill was reached on the calendar, but it was overwhelmingly defeated. Besides himself, only Senators Cornish (Dem.), of Warren; Dayton (Dem.), of Bergen; Potts (Rep.), of Hunterdon, and Sewell (Rep.), of Camden, voted for it.

The Catholic Protectory bill, in the comparatively harmless and inoffensive shape to which the committee had reduced it, was called up for final passage an hour later. It found a warm advocate in the courtly and elegant Senator Hopper, of Passaic, and a warmer opponent in President Taylor, the Essex Senator. When the roll was called there were but eight votes for it; twelve were against it, and so it was lost. The ayes were Abbett, Blackwell, Cornish, Dayton, Hopper, Potts, Sewell and Smith—Potts and Sewell being Republicans. The twelve nays were spoken by Hendrickson, Hill, Hopkins, Jarrard, Leaming, Madden, Newkirk, Schultze, Taylor, Thorne, Willetts and Wood, of whom Hendrickson and Madden were Democrats. General Sewell explained, when his name was called, that the bill, as amended in the Senate, was a mere title and a colorless charter for a benevolent institution of the Catholic Church that invested it with no State functions, and he could therefore see no objection to it. Senator Stone, of Union, who was absent when the vote was taken, rose in his seat the following day to announce that if he had been on hand he would have voted against Abbett's Liberty of Conscience bill but in favor of the Protectory bill.

The attempt to pass these two bills aroused the State to the

highest pitch of excitement. The spirit of the old Know-nothing movement became rampant again. A few days later, Robert S. Woodruff, an unusually popular man in Trenton, was defeated in his candidacy for Tax Receiver of the city on the unsupported assertion that his nomination had been arranged by the Catholics, and the circumstance that revealed the effect of this intimation against him upon his chances was the fact that Creveling, the Democratic candidate for Mayor of the city, and Shepherd, the Democratic candidate for City School Superintendent, were both elected in the same poll by as pronounced a majority as that by which he was defeated. In some of the towns of the State an attempt was even made to banish the Bible from the public schools, as a sort of act of reprisal; and in Union Hill, a little German settlement just outside of Hoboken, such an attempt succeeded, though a Council of the O. U. A. M. marched into the Town Hall in a body to protest.

The excitement measurably subsided as the day in September designated for the special vote on them by the people approached, and it looked as if the Constitutional amendments were to be allowed by the indifferent people to carry themselves. But the old-time antagonisms were stirred up afresh on the eve of the election by the appearance in a Catholic organ, known as "The Citizen," of an appeal to its readers to vote against all of the amendments. On the Sunday before the day fixed for the special election a circular also was read from the Bishop of the Diocese in all the Catholic churches, admonishing the faithful to defeat the anti-church amendments. To make assurance doubly sure, they were even solicited to vote against all proposed. For the use of those among the parishioners who were disposed to sustain the general law features of the amendments, ballots were distributed in the churches with amendments numbers one, two, eight and eleven crossed out. These amendments were those prohibiting the use of public moneys for sectarian purposes, guaranteeing free schools forever and forbidding special legislation.

The effect of the announcement of these movements on the people was electrical. A call to arms was sounded from Sussex to Cape May, and as if moved by a single impulse the masses

sprang to the rescue of the imperiled amendments. The Catholic contingent turned out in goodly numbers, and there was more excitement at the election booths than one is accustomed to see even in Presidential years. The vote was unusually large, and the count of the ballots showed that the entire batch of amendments had been popularly approved by a majority of over 40,000. The excitements were reflected in the elections of members for the Legislature two months later. A large number of the Democratic Assemblymen who had voted for the Protectory bill prudently refused to stand for re-election. Doyle, its father, trusted to the normal Democratic majority of 1,100 in his district protecting him from defeat, and learned how sadly he had miscalculated when he found himself snowed under by an enormous adverse majority of 2,000. Assemblymen Rabe, of Hudson, and David Dodd, of Essex, were the only Democrats who had voted for the bill and secured re-election. Assemblyman Kirk was rewarded for his battle against it by a handsome promotion to the Senate, and the Democrats again lost control of the Assembly.

The amendments thus handsomely adopted became, of course, part of the State's Bill of Rights at once, and the Legislators who went into office immediately after their acceptance (in 1876) found themselves hampered, in their efforts to please their local constituencies, by the new inhibition against the passage of special laws and the requirement for general laws. There was a marked contrariety of view among the lawyers and public men as to the exact interpretation to be put upon these particular amendments, and Governor Bedle, in his first annual message to the Legislature of 1876, undertook to throw some light upon the mooted question. He was of the opinion that the requirement for general laws as to cities was not so broad as that for towns and counties, and that the only restraint against the enactment of such laws for cities was contained in the other new clause forbidding the naming of a city's local rulers by the Legislature. He urged the centennial Legislature to proceed with its work on that line.

"The facility with which designing men have obtained special

laws to enable them to prosecute various schemes of extravagance and fraud under the guise of public improvement and benefit has been the source of much of our municipal burden," he wrote. "Now is the opportunity, though late, to strike a blow for the protection of our property in municipalities by sweeping away the devices under the forms of law under which these abuses have been perpetrated, and substituting plain, just and general laws, alike applicable to all cities."

The Legislature of 1876 was not by any means large enough to meet the situation thus mapped out; and, after floundering about for weeks in a vain attempt to devise some form of general legislation that would meet special emergencies, the members began to flood the calendars, as usual, with bills of a special and local character, doubtful all the time of their constitutionality, but determined to pass them and leave it for the courts to say what they were good for. Poor, afflicted Jersey City, that expected to be the immediate beneficiary of the new constitutional system, found herself in fresh embarrassments. There was no other city in the State whose affairs were administered by legislative commissioners, and any act intended to relieve her of hers was necessarily special and local and consequently repugnant to the new constitutional requirements. Senator Abbett, however, framed a bill wiping out the irresponsible officials who controlled her, and when it was taken into court for the constitutional test argued that as it put the city on the same basis of home rule with all the other cities in the State, it was, though special and local in its application, essentially general in its character. The court sustained him, and Jersey City reached the end of that period of misrule.

The constitutional prohibition of special legislation continued to obstruct the passage of bills, even into Governor Ludlow's administration, and the problem of dealing with special local interests was surrounded by so many embarrassments that a revision of the Constitution seemed to be imperative and an act authorizing the appointment of a Commission to amend it again was passed. Governor Ludlow was of the conviction, however, that proper effort would produce a line of the general

laws demanded, and in the hope of forcing the Legislature to enact them, he declined for a time to name the Commissioners. Eventually he appointed Leon Abbett, H. N. Congar and John T. Bird. Barker Gummere and Holmes W. Murphy were named by the House, and John J. Gardner and Thomas S. McKean by the Senate, to act with them. They never devised any amendments that were acceptable, however.

The chief sufferers by the new constitutional system were the members of the lobby who had grown rich in securing special legislation for their clients, and the gangs of official looters who had found it possible to override every obstruction that the law offered to the carrying out of their programmes by a little special act. They both put up with the new order of things with ill-disguised impatience for several years, but found themselves so often foiled in the pursuit of their game by the requirement of general laws which hit a good many other communities than the one at which they wanted to aim, that they became clamorous, finally, for the elimination of the obstructive amendments from the Constitution again, and for the re-opening of the flood-gates of special legislation. The Legislatures of 1889 and 1890 yielded to the pressure and directed the submission of the question to the people. The movement placed the amendments in jeopardy. It was feared that the active work of self-seeking cormorants might produce a favorable vote which an indifferent and apathetic public might not take the trouble to offset; but when the day in 1890 for the taking of the special vote arrived, the people showed themselves more alert than they had been expected to be, and the proposition that the amendments should be taken out of the Constitution again was negatived by a handsome majority, and these salutary prohibitory features of the instrument are still a part of it.

Rev. Father Corrigan, an independent Catholic priest of Hoboken, subsequently attempted to evade the force of the constitutional prohibition against sectarian appropriations with an act bringing the Catholic parochial schools measurably under the wing of the State. There had been exciting discussions between this controversial rector and Bishop A. M. Wigger, the head of

the Diocese in which his church is located, over an educational freak with religious leanings known as "Cahensleyism." Rev. Father Corrigan was of Irish descent, but full of the American spirit; Bishop Wigger was of German lineage, and Father Corrigan openly accused him of still being wedded to the traditions of the land of his birth—of being out of sympathy with American institutions and especially with the American system of public education. Their differences culminated in a discussion concerning the relations of the Church to the schools, of the races to the Church, and of all three—Church, races and schools—towards the Commonwealth. The outcome of the agitation was the preparation by the Hoboken rector of an act embodying his idea of the way in which the State could, in spite of the constitutional prohibition, be brought to the aid of the parish schools.

At that time all the public schools in the large cities were overcrowded, children being turned away from the doors every day in the week. Father Corrigan seized upon the circumstance as a means of popularizing his plan for the joint conduct of the schools by the Catholic Church and the State.

His bill proposed to throw the parish school buildings open to State use just as though they were public school buildings, and the ordinary routine of public school work was to be pursued in them till the afternoon; then the priests and the Sisters were to be allowed to go in among the pupils to give them an hour or two of religious instruction.

The idea did not meet with the approval of the higher authorities of the Church, but Father Corrigan determined to press it in spite of them. A little handful of priests from other sections of the State who had rather sided with him in his differences with Bishop Wigger accompanied him to Trenton one Monday evening during the session of 1893, and were given the freedom of one of the reception-rooms of the Executive Chamber. The air of the monastery sombered the brilliantly-lighted apartment, as around the table sat the little assemblage of priests, with clean-shaven faces and habits of severe black covering their well-nourished forms from their ears to their heels, awaiting the

devotees of the Church who had been summoned from their seats in the Senate and Assembly to be importuned to present the act for the consideration of the Legislature. The prim, tall form of the young Essex Senator, Michael T. Barrett, was the first to enter the august presence. To their surprise and consternation he argued against it, and when pressed against his judgment was constrained to refuse point-blank to have anything to do with the movement. Senator William D. Daly, of Hudson, was next called. Though not a Catholic, he stood for a large Catholic constituency. He declared his unwillingness in no less emphatic terms. And then young Thomas J. O'Brien, of Morris, looking for all the world like a priest himself, bowed himself respectfully out.

The proposition had a political as well as a Church aspect. There had been signs of a renewal of the proscriptive Know-nothingism of the past; and the throngs in the lighted corridors had begun to discuss the possible effect of the movement upon Democratic prospects, when a portly gentleman moved among them towards the conference-room. His hair was tinged with gray, but his ruddy face and bright brown eyes were very young. Like those whom he was seeking, his face was clean-shaven, and he wore a suit of black. Everyone greeted him as Senator, bowed deferentially as he went by, and stepped back to allow him to pass, and when the door of the room closed on him, the whisper went around the corridor that Senator Smith would put his foot on the project as no other man in the State could. The handsome Newark leader, then on the eve of being chosen to be McPherson's colleague in the United States Senate, was a Catholic himself, in touch with the higher authorities of the Church. For an hour he was closeted with the priests. He argued against the measure from every standpoint, and because of his influence in Church circles, hoped to dissuade its promoters. The only effect of his protests was to dash their hope of eventual success, but they persisted in their calls for members till the most reckless of all of them had been called to their hearing. Everybody knew him as "Mike" Coyle. Representing a Hoboken district so deep-dyed in its Democracy as to

pardon any freak its representative might be tempted to indulge in, he finally consented to take the bill and have it placed upon the Assembly calendar for passage.

The moment it made its appearance, it was smuggled into a committee-room and kept there, secluded from the public view, till the Legislature broke up and went home.

CHAPTER XI.

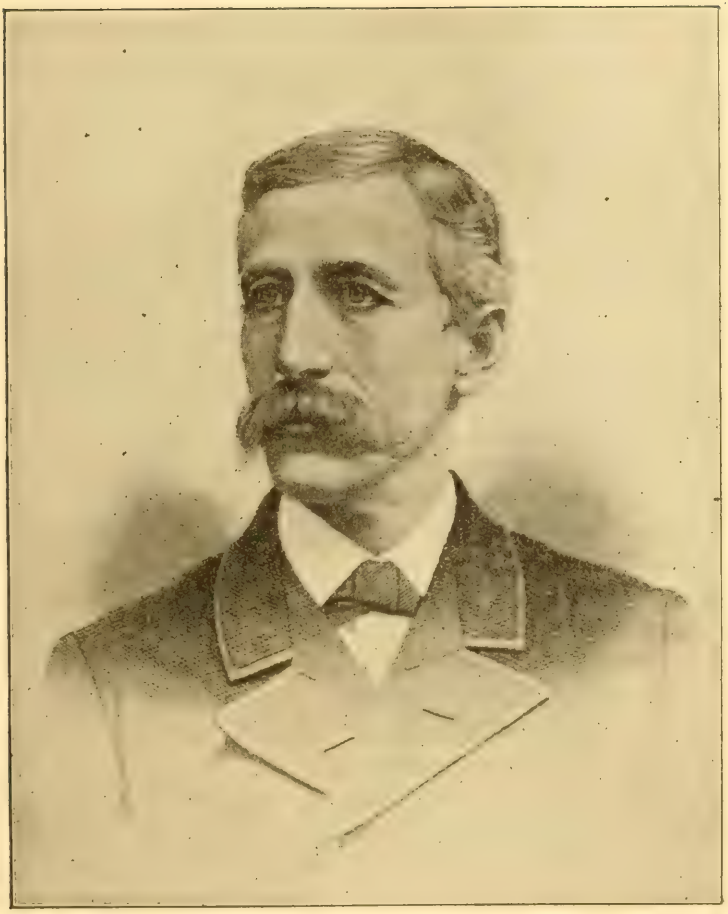
WHICH IS THE STORY OF MR. MCPHERSON'S SUCCESSFUL BATTLE AGAINST THE STATE HOUSE MAGNATES AND OF THE EXCITEMENTS ATTENDING HIS FIRST ELECTION TO THE UNITED STATES SENATE.

WE ARE not to be betrayed into the idea that this discursive narrative of the efforts, first to overthrow, and afterwards to evade the force of the constitutional amendments, brings us to the end of our story. We have, indeed, thus far, closely followed the history of the Commonwealth only up to the close of the Legislature of 1876. The fall of that year found the nation plunged into one of the most exciting of presidential struggles, and the State absorbed in its legislative elections, because there was a United States Senatorship at stake. Randolph had succeeded Stockton in 1875. The stately Frederick T. Frelinghuysen was to surrender the other seat in the Senate in March, 1877, and to the Legislature to be chosen in the fall of 1876 would fall the naming of his successor. The chances were with the Democrats in the legislative contests, because the State seldom failed to assert her Democracy in presidential campaigns. She had given her vote to Pierce in 1852, to Buchanan in 1856, to McClellan in 1864, to Seymour in 1868. Only the multiplicity of Democratic candidates had enabled four Lincoln electors to carry the poll in 1860. Her failure to support Greeley in 1872 was due to the fact that he had once been a Republican, and was but the expression, after all, of the intensity of her Democratic sentiment; and when her voters went to the polls in the fall of 1876 to bestow her seven votes in the Electoral College, they tarried long enough to cast their votes for Democratic candidates for State Senator and Assembly.

But the local victory was less marked than had been the expression of preference as between the national candidates. Tilden's majority over Hayes was between 12,000 and 13,000. The Democrats captured the Senate by a single majority. The Assembly, that on the basis of the presidential vote should have had a working Democratic majority, had been reduced by the Republican Redistricting Act to a tie. With so narrow a majority in their favor, the time would seem inopportune for a factional rivalry between the Democrats over the United States Senatorship, but the controversy goes into history as involving the first serious and determined challenge of the supremacy of the State House managers. Leon Abbett and John R. McPherson, who had engaged in a sort of preliminary skirmish with them in the senatorial contest of 1875, now threw down the glove to them in solid earnest.

That McPherson and Abbett were preparing for just such a struggle as that which they had now determined to make has been apparent from what has been said of them in previous chapters. In their legislative careers both had devoted themselves to the cause of the working masses. They now openly charged that the Democratic leaders at the State House were aristocrats, devoted to the worship of the money power, and out of sympathy with the masses of the party who were obliged to depend upon their every-day work for their every-day bread and butter. Neither had let pass unimproved any opportunity that the progress of legislation afforded to let the masses know that he was endeavoring to secure for them that recognition in party councils which the prouder and richer leaders of the party had not though it worth the while to accord to them. Abbett was especially fertile in creating situations that placed the exclusive system of party rule that the leaders at the State House enforced in the most striking contrast with the more popular system which he and McPherson wanted to establish. Mr. McPherson posed less than Abbett, but he proved an effective ally because of his skill and tact as a managing politician.

Both were favored sons of Hudson. Abbett had come from Philadelphia, located in Hoboken, represented one of the dis-



John R. McPherson.

tricts there in the Assembly, moved to Jersey City, been sent from there to the Assembly again, and risen to the Speakership.

Mr. McPherson had spent the larger part of his life in business in Hudson City, as that part of the Heights immediately west of old Jersey City was known before its consolidation with the old town. He had been successful and grown rich. There was scarcely a business enterprise of any kind set on foot there without his active participation. He had dabbled in politics from his early manhood, and had been the ruling factor for years in the Hudson City Council. Old George P. Howell, a brother-in-law of the late General Grant, who was his Republican opponent when he first sought a seat in that body, stood at the polls all day on election day, and asked even his own party friends to vote for McPherson. McPherson's path to the seat was, therefore, an easy one, and once there he proved himself to be so valuable a public servant that no attempt was ever afterwards made to dislodge him. After the consolidation of Hudson City with Jersey City he set his eye upon a seat in the State Senate, and found, when he sought it, that Leon Abbett had entered the lists in advance of him. There was a rivalry—a not unfriendly one—between the two for the support of the Democratic leaders of the county, and as the hour for the holding of the county convention approached they saw that they had about evenly divided the local Democratic strength between them. If each had pursued his canvass to the end on lines of bitterness and either had triumphed over the other, the resulting animosities might have divided the Democratic party against itself, and given the county a Republican representative in the upper branch of the Legislature. To escape that they concluded that it was wiser to concede to one another, and finally an arrangement was made by which a board of arbitrators, that both were to choose, should determine who of them should retire, in the interest of harmony, from the contest. The board tied as between them, but one of Abbett's supporters gave way to McPherson, and Mr. Abbett stepped aside to allow Mr. McPherson to take a nomination without further opposition.

That was the beginning of an alliance between these two

powerful leaders that has its sequel in all the subsequent history of the State traversed in the pages of this book. It was an alliance of two men who had come up from the humblest beginnings to fight the moneyed aristocracy that ruled the party with a rod of iron from the State House at Trenton. Incidentally some of the work of both has been sketched in previous chapters. The rest of these pages is devoted largely to telling the story of the rest of their careers. They had made their first diversion against the State House autocracy when, at the time of the election of Theodore Randolph to the United States Senate, in 1875, they supported the candidacy of his rival, Robert Gilchrist. Ex-Governor Randolph achieved the office in spite of them, but the fight made for Gilchrist was of such a character as to convince the State House leaders that they had no mean antagonists in the two opposition leaders who put Mr. Gilchrist in the field.

There were whispers, as the campaign that produced the Legislature of 1877 progressed, that Mr. McPherson had himself become ambitious for the United States Senatorship, and that if the majority on joint ballot were Democratic he expected to succeed Frederick T. Frelinghuysen. Mr. McPherson had recently invented a system for the safe and comfortable transportation of cattle from the far West to the great abattoirs of the East that the railroads were ready to use and that promised an enormous fortune to him. It was while working at Washington to influence a little favoring national legislation to make the assurance of the fortune doubly sure, that he became inspired with the ambition to sit in the Senate.

The year 1876, when the contest between the parties for the control of the Legislature that was to elect the new Senator took place, was even more notable in national history than in the State. It was the Centennial year; it was also the year when the historical rivalry between Tilden and Hayes for the Presidency occurred. Nowhere in the country did the party antagonisms which that rivalry aroused manifest themselves more violently than in New Jersey. Having carried the State, and, as they believed, the nation, for Tilden, there was a prevailing feel-

ing among the Democrats of the Commonwealth that the party might rather fight for its rights than see the Presidency stolen from them. The situation was so serious that a number of leading Jerseymen held a meeting in New York to prepare for it, at which a committee, consisting of Robert Gilchrist, Ashbel Green, Gershom Mott, Wm. W. Shippen, John P. Stockton, Jacob Vanatta and Garret D. W. Vroom, to consider the political situation and determine what the public duty of New Jersey might be in the expected crisis was appointed. The movement seems to have been scarcely more than an indication of the superheated condition of the public mind—for when, at the end of the tactical campaign between the adherents of the two presidential candidates in Congress, Rutherford B. Hayes was declared by an extra-Constitutional Commission to have been elected, New Jersey, with the rest of the nation, accepted the situation with nothing more violent than a protest.

Garret D. W. Vroom.

Several of her statesmen had in fact done their part in fashioning the result. Frederick T. Frelinghuysen was, as already stated, her representative in the Senate of the nation. His was one of the eight votes cast, on the day before he stepped out of his high position, in the Commission of fifteen in support of Hayes' title. Joseph P. Bradley, who had been a railroad lawyer in Newark, and risen to a position on the Bench of the Supreme Court of the United States, cast a second of the eight

votes. Ashbel Green was of those who pleaded Tilden's cause before the Commission, and Cortlandt Parker, a stately lawyer of Newark, had been one of the visiting statesmen who assisted to arrange matters in Louisiana in Hayes' interest.

When the Legislature came to Trenton early in January to elect a successor to Mr. Frelinghuysen, the perilously close Democratic majority dovetailed with the presidential complications to make the issue of the senatorial struggle a doubtful one. With eleven Democrats and ten Republicans in the Senate and the Assembly thirty on each side—with, therefore, but a single vote standing between them and success—the Republicans were not without hope that by complicating the situation they might succeed in renewing Mr. Frelinghuysen's term at Washington. Mr. Frelinghuysen had not yet made his famous speech in the Senate concerning the method of conducting the electoral count, nor had he as a member of the Electoral Commission assisted by his vote to carry out the Hayes programme; and the hope that the respectful consideration of his name as a senatorial possibility again might influence him to liberality in dealing with the electoral complications persuaded even some Democrats to lend a favorable ear to his candidacy. Tilden's influence might take from the Democratic majority the one vote needed to send him back to the Senate. Mr. Frelinghuysen might in return be induced to aid Mr. Tilden in bringing about a favorable conclusion of the electoral controversy.

Then there were other local influences at work in his behalf quite as effectively. One of the forty-one Democrats was a German brewer from Newark, named Gottfried Krueger. He had recently established his malt-houses and had involved himself in expenditures he found it hard to bear. The money paid by him into the hands of the United States Revenue Collector for beer stamps during the course of a year was an enormous item for him. Ex-Congressman George A. Halsey was the recognized medium through whom the presidential favors in New Jersey were distributed. His word, of course, went a long distance with the federal official, and it was feared that he might convince Krueger that he could make things easier for him at

the revenue office if he would but consent to assist the Republicans on the joint ballot. The Democrats felt constrained to keep Krueger under espionage from the very moment he reached Trenton, and all their movements indicated that they were afraid that he was preparing to ally himself with the Republicans and assist in defeating the election of a Democratic Senator.

Factional bitterness in the Democratic camp increased the chance of these defections. Mr. McPherson proved to be an aggressive candidate for the favor of the Democratic joint caucus. The moment he made his ambition known the State House autocrats summoned all the powers of the State in opposition to him. They believed in opposing him with Ashbel Green that the closeness of their relations would bring Samuel J. Tilden actively to Judge Green's support. Governor Bedle was accused of helping them by placing the State patronage at the disposal of those Senators and Assemblymen who would agree to vote against McPherson for Green, and a party of Hudson men favorable to McPherson's candidacy even waited upon him and protested that he had no right to do it.

Feverish excitement marked the opening of the Legislature because of the complications on both sides. McPherson was determined at whatever cost to humble the State House autocracy. The State House autocracy felt that it was making a fight for life or death; and with the majority of but one against them, the Republicans hoped to bring a man of their own choice through the scrimmage. All sides played carefully for position, and no movement was taken rashly or precipitately. The eleven Democrats in the Senate found it easy to organize promptly, with Leon Abbett as President, and Charles Jamison, of Somerset, as Secretary. But the two sides fought for the vantage in the evenly-divided Assembly. The members of that chamber should have organized at the same hour at which Mr. Abbett was made President of the Senate, but when John Y. Foster, by virtue of his position as Clerk of the preceding Assembly, called the roll, only the thirty Republicans answered; the thirty Democrats had evidently stayed away by pre-arrange-

ment. Nothing was possible except a motion to adjourn till the next day, and John W. Griggs, then a rising young Paterson lawyer, made it. On the following day every seat was filled, and an attempt was made to elect a Speaker. The Democrats nominated Rudolph F. Rabe, a sleek and plausible Assemblyman from Hudson; the Republicans presented the name of Alden C. Scovel, of Camden. The roll-call on three or four ballots showed thirty votes for each and consequently no election.

Rudolph F. Rabe.

The deadlock continued for a day or two later. It was broken before the end of the week by a division of the officers between the two parties. One morning, just after Mr. Foster had completed the roll-call, Assemblyman Howell, of Essex, arose in his seat and surprised his fellow-Republicans with a resolution designating all the officers of the House from Speaker down to Doorkeeper. It gave the Speakership to Rabe and the Clerkship to Foster. Having thus divided the chief places between the two parties, the resolution showed a similar division of the minor positions. Assemblyman Griggs entered a sharp protest against that method of election and raised the point of order that each officer should be separately chosen. Mr. Foster ruled the point not well taken and put the resolution before the chamber. Howell and Van Rensselaer, of Essex; Vail, of Union, and Rue, of Mercer, Republicans, joined with

the thirty Democrats and put it through, and the Assembly was ready to proceed with business.

The decks were thus cleared for the senatorial battle, with the Democrats in the advantage. Both Houses were controlled by men of their party, and preparations were made for the caucuses. The Republican forty met in one of the rooms of the Trenton House, and with one voice agreed to support Frelinghuysen for re-election. The Democratic forty-one were to have met the same evening in the Assembly Chamber to select their candidate, but Mr. McPherson hadn't his fences all up yet, and President Abbett gave him time to do the needed work by peremptorily adjourning the Senate, and ending the Legislative week before the State House coterie could call a caucus. When the members re-assembled for the week's session on the following Monday McPherson had arranged everything to his satisfaction, and the call for the nominating conference went out. The war between the Hudson candidate and the State House autocrats waged fast and furious behind locked doors, and the partisans of the two sides narrowly escaped blows while the discussion was on. When the ballot was taken, however, it was seen that Mr. McPherson had a decided majority, and he was declared to be the nominee of the Democratic party against Mr. Frelinghuysen.

His victory in caucus was, however, only the first step towards securing the distinction. The joint meeting at which the action of the caucus was to be ratified was yet two days away, and the most difficult part of his canvass lay in keeping his men together until the hour for his election arrived. The nomination had no sooner been made than the Republicans began to dicker with the weaker brethren in the Democratic camp. Their hold, through Mr. Halsey, on Krueger was evidently a strong one. The Democratic caucus kept him carefully under eye, and from the time the nomination was made to the time when the joint meeting was held every movement of his was reported to the caucus—whom he met and where he went, what he ate and where he slept—the caucus knew it all. Other members were put under the same kind of espionage. Alexander

W. Harris, a Southern adventurer, who had managed to get into one of the Hudson seats; Elias J. Mackay, representing one of the Warren districts, and Thomas J. Hannon, a butter dealer in Jersey City, were all unconsciously placed under the eye of detectives.

Mr. Frelinghuysen had meanwhile disappointed the Democratic hope that he might pursue a conservative course in the electoral controversy; and by a speech in the Senate upholding the proposed Republican method of count he had aroused such sharp criticism among the Democrats that his Republican backers felt that it would be worse than useless to attempt to break the Democratic caucus in his interest. There were rumors that if the Republicans would drop Frelinghuysen, William Walter Phelps, a brilliant Bergen county Congressman, might be able to persuade Harris and Mackay to join them in electing him. The Republican managers exploited that rumor and discovered that there was not sufficient foundation for it to justify them in making it the basis of action.

The day before joint meeting, however, ex-Secretary George M. Robeson appeared in Trenton and announced with a great flourish of trumpets that if he were taken up by the Republicans he could get the needed Democratic vote. Mr. Robeson had been Attorney-General of the State, and won a national notoriety as General Grant's Naval Secretary. The two years that had passed since he had stepped down from his high position in Washington had been spent in Camden in legal practice. Just before he obtruded himself into this senatorial controversy he had escaped contemnation at the hands of the Democratic House of Representatives by the vote in committee of A. A. Hardenbergh, an amiable Democrat who represented the Hudson county district in the House of Representatives. The moment Mr. Robeson reached Trenton, it became noised around that $60,000 were at the disposal of any Democrat who would join the Republicans in making a Senator of him. Before nightfall it was positively asserted that a Democrat had been secured, and the Republicans assured themselves that the deal was so likely

to be carried out that they re-assembled in caucus, and, dropping Frelinghuysen, formally made Robeson their candidate.

Trenton has seldom seen a night of such excitement. Mr. McPherson's managers were convinced that the Republican caucus would not have changed from Frelinghuysen to Robeson unless the change was to be consummated in joint meeting at noon on the following day, and every man in their caucus was put under the most careful scrutiny. By midnight it had been currently reported that Hannon was the weak brother.

Hannon stood in the Assembly as the representative of the famous Democratic Horseshoe District. When he sought the nomination he had been opposed by Terrence J. McDonald. The vote between them stood eleven each in convention, and an appeal to the County Committee was needed to break the deadlock. The committee made Hannon the nominee, but "Terry," as McDonald was familiarly known, announced himself as the regular candidate, and because he was better known than Hannon, Hannon came to be looked upon as the independent nominee. Hannon was elected, and after he had reached Trenton he seems, for purposes of his own, to have encouraged the idea that he was not to be numbered with the regular Democrats. When he thus held himself up as not of the fold, it was a temptation to the Republican plotters to deal with him, and it was not long before they were in communication with him. A few weeks after election he was called upon by Frank Champney, the son of the Republican Chief of Police of Jersey City, who reminded him that he held the decisive vote between the two parties in the senatorial contest and pictured to him the golden opportunities that lay before him. The result was that Hannon was persuaded to go to the Cosmopolitan Hotel on the following Sunday to meet an unnamed tempter. There he met a man named Gregory, who had held some official position under Robeson and afterwards made an unsuccessful Assembly contest in one of the Jersey City districts, and this man introduced him to a fine-looking fellow, whose name has not been divulged. The stranger talked to him about Robeson and $10,000, and a day or two later he went sleighriding with this individual, and was

gratified to hear that the price had been advanced to $25,000. There had been two or three conferences, when Hannon, becoming frightened, sought Senator Abbett, at Martin M. Drohan's house in Jersey City, and laid the matter before him. Both Mr. Abbett and Mr. Drohan advised Hannon to continue the negotiations to the end.

Thus things stood on the morning of joint meeting. Twelve o'clock was the hour for the assembling of the two Houses in joint convention. The Democrats were under high tension, and alarm was on every face when it was seen that some of the members were out of their seats. The big brewer from Newark, whose antics had excited so much apprehension, was among his Essex colleagues, and Harris' long, red beard was descried among the Hudson members. Even Hannon was in his place, but little Mackay, of Warren, was absent. Mr. Abbett, who by virtue of his Senate Presidency presided over the two Houses, ordered the doors locked, and with a voice of iron commanded the Sergeant-at-Arms to bring Mr. Mackay in. The hunt for him was not long. He was found loitering around a statue of General Phil Kearny, which now ornaments one end of Military Park in Newark but stood then neglected and dust-covered in one of the corridors of the State House, and marched to his seat in the chamber.

All the members being now in their places, the motion that the joint meeting proceed to the election of United States Senator was made by Speaker Rabe. Instantly a dozen members flocked to the floor to Hannon's seat, and politicians, leaders and workers of both parties, chased to his side from the lobbies. No man was ever so thoroughly under guard. The Democrats lowered at him suspiciously, and he knew from their glare that serious violence would pay for his desertion of his party. The Republicans were there to keep him in countenance while he cast his expected vote for them. "Duke" Tilden, a fat and good-natured Republican Assemblyman who sat next to him, leaned over to whisper to him.

"I hear," he said, "that a Democratic vote has been got for Robeson, and that it is going to be cast by the man who sits next to me."

"Wait till you see," Hannon responded with a lip trembling with excitement.

Meanwhile, the two caucus candidates had been put before the body—Robeson for the Republicans, McPherson for the Democrats—and every man tallied the announcements as the roll-call proceeded, with nervous fingers. A pin could have been heard to fall when Hannon's name was called. As he responded with McPherson's name a great cheer rent the air and his Democratic guard flocked to the seat of Harris, whose name was next on the roll. He, too, said "McPherson," and the excited throng dashed over the chamber and clustered around Krueger's seat menacingly till he had said "McPherson," and then to Mackay's bench till he had said "McPherson." All the doubtful votes had now been tallied up, and the Democrats burst into an applause that was deafening. The cast-up of the total showed that Mr. McPherson's army had been held firmly to his standard and that the scheme of Robeson's friends had been defeated.

The vote, as it was first taken, showed forty-one Democrats for McPherson and forty Republicans for Robeson. Before it had been announced, however, the disappointed Republicans broke ranks and fled from their candidate. Senators Hobart and Kirk and Assemblymen Brigham, Griggs, Cavileer, Voorhees, Cory, Payne, Van Duyne and Hill sprang to Frelinghuysen; Senators Magie and Schultze and Assemblymen Pierson, Vail, Traphagen, Tilden, Van Rensselaer, Leonard, Howell, Wightman, Burroughs, Taylor, Van Hise, Drake, Nichols, Schultze, Pancoast and Cooper changed to Cortlandt Parker, and Assemblyman Cunningham to Phelps. On the announcement, eighteen were for Parker, ten for Frelinghuysen, one for Phelps, and Robeson, the slated candidate of the caucus, had but eleven of his braves left.

The subsequent revelations of the session showed that the fears of Krueger's party loyalty were not wholly without justification. The watchful scrutiny that had been deemed prudent to keep him true during the senatorial struggle had to be renewed when the canvass for the State Comptrollership began to assume shape a week afterwards. The term of Albert L. Run-

yon, who had filled that important State office since 1871, was about to expire, and upon the joint meeting devolved the choice of his successor. Just as the hope of Hannon's desertion of his party had tempted the Republican caucus to give the senatorial nomination to Robeson, so the promise of Krueger's defection now beguiled them into taking Samuel Morrow, a bright-faced young Newark lawyer, as their candidate for State Comptroller. The Democratic caucus decided to confer the office upon General Robert F. Stockton, a son of famous old Commodore Stockton and a brother of John P. Stockton, whose achievements in peace and war had won for them the admiration of the nation.

But Mr. Morrow had acted as counsel for Mr. Krueger, and the stolid-faced brewer-Assemblyman made no secret of his devotion to his cause, without regard to the action of his party's caucus. His failure to put in an appearance at the first of the joint meetings at which the choice between the two candidates was to be made left the Democrats without the forty-one votes needed to elect General Stockton, and the belief that it was part of a scheme to aid Morrow's election led Senator Abbett, as chairman, to arbitrarily declare the joint meeting adjourned. The next day Krueger was in his seat, ready, as everybody believed, to vote for Morrow, but the solidity of the Republican vote was spoiled that time by the absence of Senator Sewell, of Camden. The Republican prints explained for him that he had stayed away to attend the annual meeting of the directors of a railroad of which he was the Superintendent at the time. Assurances were given that he had not known of Morrow's nomination till summoned by a dispatch from Trenton to vote for him, and that the moment the dispatch reached him he had sprung to a special locomotive and driven like mad for the State House. He arrived in Trenton only to learn that the Democrats, taking advantage of his absence, had forced an ineffectual ballot and then adjourned the meeting. Senator Hill, of Morris, had put Morrow's name formally before the joint meeting. Stockton's name had been presented by Assemblyman Bergen, of Somerset. Stockton had received only thirty-six votes. Krueger and the

thirty-nine Republicans present had voted for Morrow. General Sewell's vote would have elected him.

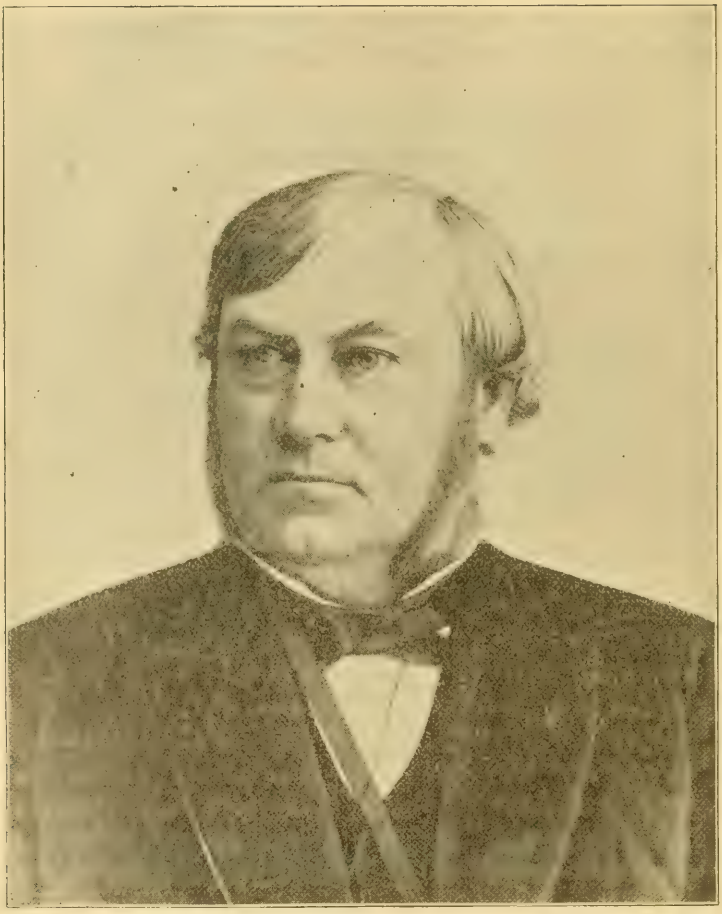
It was a week before the next joint meeting was held. Meanwhile, Major Anderson, who was Comptroller's Runyon's chief deputy, had, though a Republican, reached an understanding with General Stockton for the retention of his office and had used his personal influence to induce his party friends in the two Houses to aid General Stockton. When the hour for the fateful roll-call arrived, the eighty-one Senators and Assemblymen were all in their seats. Krueger played away from Morrow to watch the effect, and, with his Essex colleague, Gomer, and his Bergen colleague, Winant, cast a vote for William P. McMichael. The Republicans stood solidly to their caucus nominee on the first roll-call. But there were many who could not reconcile themselves to the methods by which he hoped to win; and the fear that Krueger might, on the second ballot, join them and elect Morrow led a host of them to change their votes before the result was announced. Senator Hobart was the first to desert the Morrow standard. He surprised gallery and floor by voting plumply for General Stockton. Senators Sewell, Kirk, Matthews, Willetts, Hill, Leaming, Magie, Schultze and Plummer, and Assemblymen Scovel, Vail, Van Hise, Van Rensselaer, Voorhees, Griggs, Cunningham, Payne, Core, Wightman, Ashley and Van Duyne followed suit in rapid succession. Thus General Stockton was given an overwhelming majority, and Chairman Abbett lost no time in declaring him duly elected.

When he entered upon the discharge of his new functions General Stockton at once appointed Major Anderson to the chief place in the department. But the desertion of their caucus nominee by the most influential of the Republican members was as much designed to stamp Mr. Krueger's threatened abandonment of his party with the seal of their disapproval.

The rest of the history of events under Governor Bedle's administration is easily recounted. The passage of the District Court act worked one of the notable reforms accomplished. The courts established by this act were to supersede in the cities what were technically described as the Courts for the Trial of

Small Causes, but popularly known as the Justices' Courts. The determination of suits involving small sums of money had long been committed to the Justices of the Peace. The judicial instinct was too often lost in the greed of the incumbents, and their courts degenerated into mere collection agencies, the dignitary who presided over them acting as a collector with a commission, depending upon his success in enforcing payment, in prospect, and as counsel for the plaintiff, judge and jury all rolled into one. No defense availed against any claim left with him for collection; the judgment was always for the court's clients, and then all the terrors of the law were invoked to enforce its payment. Only the more ignorant men sought election to the office, and by degrees they grew to be so oppressive and corrupt that their courts came to be recognized as an organized and licensed system of extortion, and the necessity for their abolition became apparent. But no steps were taken towards that end till many of the conscienceless fellows who officiated in them had been put under indictment by the grand juries and forced to surrender their offices as the price of their freedom. Two or three of them had returned their commissions to Governor Bedle while he was on the bench. When public attention had thus been directed to their vicious abuse of function, an act taking from those in the cities all of their civil prerogatives, and transferring them to District Courts, conducted by appointees of the Governor, easily won the favor of the Legislature and Governor Bedle's approval. Like courts would have been established throughout the State but for the objection of the rural members that the constituencies they represented could not bear the expense attending them; and in the cities they would have been denuded of their criminal functions as they were of their civil, but that the State Constitution, in providing for the election of Justices of the Peace, seemed to give them some kind of constitutional countenance.

When he came to the selection of new functionaries, Governor Bedle created no end of commotion among the more partisan of Democrats by nominating John A. Blair, a conspicuous Republican lawyer, to one of the judgeships in Jersey City, and incurred



Joseph D. Bedle.

a more than fair degree of censure for the selection of his father-in-law, Bennington F. Randolph, for the other. The strife between the State House managers and the anti-State House managers had not yet expended itself, and Senator Abbett, as the leader of the anti's, made vigorous protest against the confirmation of the nominees. As Mr. Abbett represented the county in which these gentlemen were to serve, his refusal to consent to confirmation was final, and Governor Bedle had to make the appointments *ad interim*, after he had sent the Senators to their homes for the year. The next Senate confirmed them, however.

A second excitement that attended his administration grew out of the great railway strike that, beginning on the Baltimore and Ohio lines in the West, spread sympathetically all over the country. The lawless rabble that exists in every community made the agitation attending the strike the cover for rapine and robbery; and great riots, which sacrificed both property and life, occurred in Chicago, Pittsburg and Philadelphia. The Jersey Central, more or less closely linked with the system on which the strike had originated, and the Morris and Essex, whose men had long complained of their treatment by their superiors, became involved, and an attempt was made, also, to call out the men on the Pennsylvania railroad.

At that time George W. Barker, one of the most amiable railroad men in the country, was Superintendent of the lines running out from Jersey City to Pittsburg. He was not without fear that his men would be drawn into the controversy, and he felt that the time had come when a delegation of train-hands waited upon him one morning to notify him that they would be forced to abandon their engines at noon. He met them with smiling good humor, and with his most gracious air begged them to lay their grievances before him, that he might present them to his superiors and have them adjusted satisfactorily. They were obliged to confess that they had none, but the Brotherhood of Locomotive Engineers had ordered them to a sympathetic strike and there was no disobeying the command. Mr. Barker pointed out to them that the striking railroad men throughout the country were being held responsible for the tur-

bulence and destruction wrought by mobs with which no honest laborer could have any sympathy, and asking them if they were prepared to bear a like odium. He argued the point with them with such adroitness and amiability that two hours later the same delegation waited upon him to let him know that they had reconsidered their action, and determined to stay at their throttles as long as they were protected from outside violence.

The consequence of these civilities was that there was, during all the strike, but a single occasion when anything approaching an interruption of traffic on the road occurred. The United States government had ordered a battery of artillery moved from Fort Hamilton to the West, and they were to go by the Pennsylvania roads. McMichael, the engineer of the locomotive that was to haul the train on which they were to be transported, was threatened with death by a great throng of ugly-looking fellows who crowded into the depot, if he dared to open the throttle as long as that battery was behind him, and he abandoned his locomotive. Engineer David Kerr, a man of known courage, was asked by the company to take his place. He sprang unhesitatingly to the cab and bravely drove the locomotive out of the shed through a shower of stones and bricks hurled at him by the angry and chagrined crowd.

It may be assumed that if this greatest of the railroads that cross her bosom had been opened to the turbulent mobs that besieged the Pennsylvania boundaries of the State, the invasion of New Jersey would have been completed; and Superintendent Barker's admirable handling of his subordinates strengthened the arm of the State more than was probably realized at the time.

The participation of the Jersey Central and the Morris and Essex hands in the strike still left two of the great highways of travel open to the besiegers, and it became incumbent on the Governor to guard the points where those roads entered the State. This he did with the aid of the citizen soldiery. Making Police Headquarters in Jersey City his military headquarters, he called several regiments of the National Guard to arms. The important points to protect were in the southern end, where the brigade

of which General Sewell was the commander was stationed. He moved his forces from their several armories to the threatened scene of conflict so quietly and so expeditiously that the hills around Phillipsburg had been turned into a camp even before the masses knew that the men had been ordered out; and he deployed his little band of soldiers so skillfully that, although transportation was interrupted for a season, the rabble was kept at bay. His men guarded the trains over the two obstructed lines, protected the new crews the companies put in charge of them, and finally restored the broken communication with New York. Governor Bedle and General Sewell earned no end of commendation from all parts of the country for the skill and courage with which they had saved New Jersey from the destruction that had marked the progress of the strike in the surrounding States.

CHAPTER XII.

Which, More or Less Adequately, Describes the Spectacular Convention at Which Leon Abbett was Defeated in His Gubernatorial Aspirations, and General McClellan was Made the Democratic Nominee in His Stead.

THE selection of his successor was the crowning agitation of Governor Bedle's administration. The State House autocracy with which Governor Bedle had always been identified measured lances with its factional opponents of the Abbett-McPherson wing for the last time, and won only by a trick.

It will be recalled that in its first encounter with the opposition it had suffered defeat in the election of John R. McPherson to the United States Senate over Judge Ashbel Green. In this renewal of the contest, McPherson's skillful ally, Abbett, threw down the glove to them with his demand for the nomination for the Governorship.

It has already been said that all through his legislative career Mr. Abbett's course had been one of unfaltering opposition to the domination of the State House magnates. He had haled them to the bar of public opinion as purse-proud aristocrats who had no sympathy with the masses; and, springing always to the defense of the common people, he had posed as the Great Commoner of the State. The State House people were indeed a trifle overstrained and high-toned, and Abbett was specially obnoxious to them from the two points of view that he had made himself their political enemy, and that he was "not of their set." It had been suspected, when he lent Mr. McPherson his effective assistance, in holding the narrow Democratic majority in the caucus of the winter together, that an offensive and defensive

alliance had been formed between them, and that Mr. Abbett's reward for his fidelity to Mr. McPherson's interests was to be Mr. McPherson's assistance in reaching the Governorship. The State House managers paid but little heed at the start to the rumor of his coming candidacy, and there is a story that the Senator would not indeed have been over-anxious for the nomination at that time but for his desire to please his wife. Mrs. Abbett longed to be the chief lady in the State. A handsome and stately blonde, with a charming personality, she had the graces and accomplishments that would have adorned such a station, and she lent herself to a zealous advocacy of her husband's promotion. A pretty tradition tells of the bewitching importunity with which she urged the leaders whom she met at the resorts during the summer to "help me make Leon Governor." Captivated, some—too gallant to refuse, others—many of them forgot their factional relations, and promised; and so the State House managers were surprised, when the canvass actually began, to see that some of their main supporters had been tempted from them. By the middle of September they had come to realize that the Abbett-McPherson combination was as likely to prove as bothersome in the gubernatorial arena as it had been in the senatorial.

Their apprehensions drove them into conference, and they met in New York one night several weeks before the convention was to assemble. Senator Randolph, Governor Bedle, Attorney-General Vanatta, Clerk in Chancery Little, Secretary of State Kelsey and one or two others whose names were never given out, gathered to consider the situation and determine upon a candidate to confront the magnetic man from Hudson with.

But little time was given to the consideration of the first point. The plain situation, as they saw it, was that Abbett was a dangerous possibility and that their continued predominance in party councils necessitated his defeat. The second point was not so easy of solution. There was only one available man within sight and they were not over-enamoured of him. They thought that perhaps the historic name of his family might rally the Democratic masses to the support of ex-United States Senator

John P. Stockton, but he was not quite agreeable to them as a candidate. Had they not crowded him out of the United States Senate with Randolph? And they felt it safe to assume that in the event of his election he would not hesitate to retaliate upon them.

It was desirable, too, as a means of breaking the local strength of Abbett's candidacy, that their rival candidate should be taken from a section of the State nearer to Abbett's own county of Hudson than Mercer, which was Stockton's home. But where was the man in that section with sufficient personality to command a following? The name of Frederick H. Teese, of Essex, was canvassed from that standpoint, and it was agreed that if the suggestion of his nomination were received with anything like enthusiasm they would advance him; that if it were not, they would give their support, as a last resort, to Stockton, but that with some one Abbett was to be beaten at all hazards.

The publication by Judge Teese, a few days later, of a letter refusing the use of his name, was accepted by the Abbett contingent as a notice that they had found a more available man, but till the moment he was sprung upon the convention they did not dream who he was.

But one man in all of Hudson county probably knew the name they proposed to conjure with. That one man was Orestes Cleveland, a politician of equal influence with Mr. Abbett, who had sworn eternal enmity against Abbett. Mr. Cleveland had for years been a leading spirit in Hudson county affairs. He had served as Mayor of Jersey City for several terms, and had represented Hudson and Essex, when those two counties made up the Sixth district, in the Congress of the nation. He was a skillful and resourceful manipulator, a man of large wealth, liberal to the point of waste, President of the busy Dixon Crucible Works, a chief mogul among the American Institute managers—the man, indeed, whose suggestion and advocacy had originated and inspired the movement for the observance of the Nation's Centennial Anniversary by the great fair at Philadelphia. His associations were varied and extensive; his interests widespread. He was known personally to a

large proportion of the voters in the county, and his office in the Dixon works was the center from which all the political lines radiated. He had finished his term in Congress in 1871, and, tempted by the prospect of being the Centennial Mayor of Jersey City, had sought the nomination for that municipal office in 1876. Henry Traphagen, who was then serving as Mayor, was entitled by party usage to re nomination, and his friends retaliated upon Cleveland, for being the means of depriving him of it, at the polls, and helped to throw the honor he so eagerly coveted to Charles Seidler, the active head of the Lorillard tobacco house, whom the Republicans had nominated.

Mr. Cleveland recovered his ground sufficiently after this defeat to become a candidate for delegate to the National Democratic Convention at St. Louis that, a few months later, nominated Samuel J. Tilden for the Presidency. Mr. Abbett was a candidate for the same distinction, and as it was not possible for both to have it, it was necessary for one to retire. An arrangement was finally made by which Abbett was to go to St. Louis and Cleveland was to be made a member of the National Democratic Executive Committee. Mr. Abbett was chosen to act as chairman of the State delegation to the convention, and when, after Mr. Tilden had been nominated, the States were called upon to name their executive committeemen, it became Mr. Abbett's duty, as sponsor for the delegation, to hand in the name of the New Jersey member. When he arose to respond, he answered, however, not with the name of Orestes Cleveland, as he had promised, but with that of Miles Ross, of New Brunswick, a veteran leader of the middle-state Democracy. This breach of the engagement made Mr. Cleveland white with anger and resentment, and he vowed that if he could prevent it, Senator Abbett should never hold another elective position.

Mr. Abbett's appearance before the State Convention of 1877 for the gubernatorial nomination afforded him his first opportunity to strike back, and he and the State House autocrats found a common ground of sympathy in their dislike of him.

The convention was held on Wednesday, September 20th. The preceding night had been one of unusual excitement in

Trenton. The hotels were thronged with boisterous workers from all parts of the State. Abbett's was the name on most of their tongues. That the delegates from counties which he could not reach were divided between Stockton, John T. Bird, William A. Righter and John McGregor, was accepted as an indication of his coming triumph, and the more so when, as the night wore on, it was noised around the hotel corridors and the barrooms that delegations with opposing candidates were apparently unable to agree on any one of them.

When the delegates trudged to the Opera House at noon they found the places which they expected to occupy already filled with an outside rabble. It did not seem to occur to the Abbett managers that these could not have secured admission to the benches without the connivance of the State Committee's guards at the door, and they were looked upon as intruders who had negligently been allowed to pass the sentinels. It escaped their notice, too, that these trespassers were skillfully distributed all over the hall. The delegates, of course, clamored for their seats, but the impudent intruders refused to make room for them, and the great throng was in an awful hubbub when William W. Shippen, of Hoboken, Chairman of the Democratic State Committee, hammered the pine table on the platform with his cane for order. The noisy demands of the standing delegates for their places were quieted for a time by Mr. Shippen's assurance that seats would be provided for them in due season, and Benjamin Williamson, of Elizabeth, the shrewd and wily ex-Chancellor, was named by Mr. Shippen as the temporary Chairman. The hour before dinner was spent in the usual organization preliminaries, and the convention arose for a recess.

When the delegates re-assembled at two o'clock, the platform of the party was read by the Chairman of the Committee on Organization and accepted, and then Ashbel Green moved that the convention proceed to the selection of the candidate for Governor. The delegates had found their seats, when they returned to the hall, in the hands of the same outside crowd that had displaced them in the morning, and their renewed clamors for their places precipitated again the bedlam that had marked

the morning session. Chairman Williamson made a pretence of aiding them to secure their seats, but the outsiders were reluctant to go and the Chairman was not firmly insistent that they should. Some of the delegations attempted to force them out, and there was a pitched battle between them and the Union county men up in one of the gallery-lofts that nearly turned the convention into a riot.

Amid a din that made the announcement of the names almost inaudible, the counties were called upon for nominations. Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, had no name to present. Essex responded with the names of William A. Righter, John McGregor and one man timidly articulated General McClellan's. Then it began to be apparent why the crowd of outsiders had been permitted to enter the hall. They broke into an uproar of cheers that delayed the proceedings for several minutes. Gloucester named Benjamin F. Carter. When Hudson was called, Charles H. Winfield presented the name of Leon Abbett in a speech of splendid eloquence. Hunterdon named Bird, Mercer named Stockton, Middlesex named Wright Robbins, Passaic named her courtly Senator, John Hopper—and the roll was called for the votes.

Before the result had been announced, a thin, piping voice pierced the din from the shadow of the gallery. It was heard shrilly calling the attention of the delegates to the unlikelihood, because of the multitude of candidates and the bitterness of their rivalries, of an agreement upon any one of them, and then it launched out into an exordium of one about whose fitness and availability there could not be two opinions. It talked about the greatness of a Democratic soldier who had led the Union troops to victory in the Rebellion; a man who had been reviled and spat upon by the Republican national leaders because of his Democracy; a man who had even been mentioned in connection with the presidency; a man who—

"Name the man," shouted the crowd on the floor.

"Name him," echoed back the impatient throng in the gallery.

"Name him," was the command that, as with one voice, swept the great audience from dome to pit.

"I name him," screamed the little orator with penetrating voice; "I name George B. McClellan, of Essex."

It was as if a brand had been dropped into a powder magazine. The climax, to the effectiveness of which the invading throng of outsiders had been hired to contribute, was reached, and they broke into a bedlam of hurrahs. Even the Abbett contingent, mistaking the pre-arranged demonstration for an outburst of genuine and spontaneous enthusiasm, joined in the approving chorus. One wave of cheers would scarcely die away before a new one would be started on its whirlwind course. And when the claquers let go because they had exhausted themselves, some one turned a picture that had been suspended, face to the wall, from a wire that extended overhead to the proscenium, and moved it slowly along the wire from the back of the stage into the view of the excited and shouting throng. It was the face of McClellan, marching to a new victory. The thousand men in the house greeted it as it advanced toward them with delirious enthusiasm. The band in the gallery caught the inspiration—by instruction, it may be presumed—and as it moved majestically forward struck up the old familiar battle hymn, "See, The Conquering Hero Comes."

And there, over the heads of the chief men of the State, he seemed to be coming again to take command of the army of hailing devotees in front of him. And, in the midst of it all, the shrill little voice hidden in the shadow of the gallery stole forth into the din and the roar again to deliver the final blow to Abbett's hopes.

"I move that General George B. McClellan be nominated by acclamation," it spoke.

The picture and the band and the motion were all working together to sway the crowd, and then the delegations that had been held in check by the State House magnates were let loose to climax the pre-arranged display. They tumbled over one another in their eagerness to drop their local candidates for the hero of the hour. Colonel Zulick swept the hall with enthusiasm when he delivered the great vote of Essex to McClellan. Hunterdon broke from Bird to the Orange mountain warrior.

George B. McClellan.

Mercer left Stockton for him. Middlesex went from Wright Robbins to him. The claquers skillfully sandwiched between delegates all through the hall, the moving picture, the band, the flopping delegations, were too much for the composure of the convention. Even the Abbett counties caught the infection, and their delegates, anxious to be with the winning side, became part of the tumult. And finally, his own county of Hudson joined the hired claquers in making McClellan's nomination unanimous.*

Mr. Winfield tried to stem the tide by sonorous protests that General McClellan was not a resident of the State of New Jersey. Short and round David Dodd, of Essex, who had answered the nominating voice that came from the shadow of the gallery with a hearty and enthusiastic second, declared that he was, and the convention accepted his assurances with a new burst of cheers. Secretary Kelsey and Henry S. Little, interested spectators of the spectacular coup they had arranged for Senator Abbett, fell on each other's shoulders, in one of the boxes off the proscenium, when the day's work was finished, and Governor Bedle's cherub face became radiant when the news of Abbett's defeat was borne to him in the Executive Chamber.

But the most delighted man in all New Jersey was Orestes Cleveland. The dramatic defeat of his rival was his work. McClellan's name had been suggested to his mind as an excellent one to conjure with by an incident of the convention that, three years before, had put Governor Bedle in nomination. A delegate to that convention, Mr. Cleveland had remembered that when the county of Salem gave out the name of a McClellan as its representative on one of the organization committees, the assembled multitude, mistaking the man for the hero of Antietam, had broken into rapturous applause; and now when both him-

* The clerks of the Democratic Convention, who kept the tally of the votes by county as they were announced, figured the vote from the unannounced roll-call this way: Abbett, 304; Righter, 103; McGregor, 81; McClellan, 171; Carter, 39; Bird, 63; Stockton, 153; Hopper, 40; Robbins, 12; A. A. Hardenbergh, 3. After the change of counties to McClellan, the vote stood: McClellan, 804; Abbett, 156; Carter, 21, and Stockton, 2.

self and the State House managers were in quest of a candidate who could enthuse the Democratic masses against Abbett, he had whispered the name into the ears of the State House chieftains.

It had been part of their scheme to keep the name secret till they were ready to spring it on the convention, and their movements had been so cat-like that not even a hint of it had reached the Abbett headquarters. Their control of the State Committee had afforded them the fullest opportunity for the perfection of their plans. It gave them a Chairman to aid them in giving drift to the movements of the convention. It gave them the freedom of the meeting-place that enabled them to hide that reversed picture in the shades at the rear of the stage, and to pack the house with the hired claquers who were to greet it, when it was shown, with a hubbub that should take the convention off its feet.

The Republican editors took the cue from Winfield's protest, and made the most of the doubts as to General McClellan's eligibility because of his want of residence in the State.

"If I am not a resident of New Jersey," the General said, between puffs of smoke, to an enterprising newspaper man who visited him at his showy residence on the Orange mountains a day or two after his nomination, "I have no residence anywhere in the country. I have lived here since 1863; voted at many elections and cast my ballot here for Seymour in 1868 and Tilden last year. At the presidential election of 1864 you know I could not vote."

The Republicans held their convention for the selection of a candidate against the General the following week. The signs of McClellan's popularity were so convincing and overwhelming that no one was anxious to risk the battle against him, and by common consent it was agreed to let Dr. William A. Newell, of Cumberland, have the nomination. Joseph Coult, of Essex, Chairman of the Republican State Committee, called the convention to order, and ex-Judge Charles H. Voorhis, of Bergen, was made the temporary Chairman. General Judson Kilpatrick was chosen by the Committee on Permanent Organization for permanent Chairman. Some of the counties put Senator

Frederic A. Potts' name before the convention. General Kilpatrick, too, was mentioned, but he promptly declined. The majority of the delegations presented Dr. Newell's name. On the first formal ballot Newell had 360 votes; Potts, 142; William Walter Phelps, of Bergen, 28, and Gardner R. Colby, of Essex, 30, and Dr. Newell was declared the nominee.

The campaign was begun on both sides as soon as the two tickets had been completed. McClellan's visits to the different parts of the State were like a triumphal march. His mass meetings were crowded to suffocation, and throngs, eager to touch the tips of his fingers, surged around his carriage as it went through the streets. One night, Abraham Browning, as famous among lawyers for his blue coat and brass buttons and ruffled shirt front as for his learning, entertained him at his house in Camden, and the crowd that choked the streets to greet him, even in that stronghold of Republicanism, made his passage almost impossible.

"What do you do to these people," Supreme Court Clerk Lee, who was with him, asked, "that makes them so fond of you?"

"I don't remember ever to have done more than my duty," was McClellan's answer. "A soldier is after all a human being, but then you remember sympathy begets sympathy, and when you like a man he likes you. When I hear the shouts of a crowd like this outside my carriage window, and realize that I am the occasion of it all, I feel as though I were traveling in an unknown world. It's like a dream, and I can scarcely bring myself to a full consciousness that it is real."

In marked contrast to the receptions accorded to General McClellan were those which Dr. Newell received. By his attacks upon the chief men of his own party he made new enemies at every place at which he spoke, and nothing could have been more maladroit than his entire canvass from beginning to end. At Camden, for instance, he had a fling to make at what he characterized as the enormous expenses attending the maintenance of the National Guard. General Sewell, the chieftain at once of one of the brigades of the National Guard and of the party whose suffrages he was seeking, was one of his offended

hearers. At Woodbury, he declared that one of the most unjustifiable expenditures made by the State was that for the Fish Commissioners. An influential Republican member of the Fish Commission went away from that meeting vowing vengeance upon him. In Newark, he took occasion to denounce the "extravagance" of the Morris Plains Asylum Commission. Ex-Congressman George A. Halsey, the most powerful Republican leader Essex has ever known, was a working member of that commission, and before he left the hall he told Dr. Newell that that speech would cost him two thousand Republican votes. When election day came the offended Republican leaders helped the Democrats to their victory. Mr. Halsey manifested his displeasure by even voting an open ticket against Newell, and on the count of the ballots General McClellan was over twelve thousand ahead of him. Newell's percentage of the total vote was the smallest that had ever been achieved by a Republican candidate up to that time.

CHAPTER XIII.

WHICH IS A MEDLEY, EMBRACING REFERENCES TO A PARTICULARLY UNSATISFACTORY DEMOCRATIC LEGISLATURE, TO GENERAL MOTT'S TRIAL FOR ABUSING CONVICTS AND TO THE BANKRUPTCY OF THE CITIES OF ELIZABETH AND RAHWAY.

GENERAL McCLELLAN was inaugurated Governor in January, 1878, with the usual ceremonies, except that, because of the expected throng, the exercises, usually held either in the Senate Chamber or at Taylor Opera House, took place on the green in front of the State House, where a platform had been erected for the committees and the guests. Senator Charles B. Moore, of Somerset, was Chairman of the Senate Committee of Arrangements, and Assemblyman Dudley S. Steele, of Hudson, of the House Committee. A notable feature of the occasion was the presence of a large number of distinguished New Yorkers—Corporation Counsel William C. Whitney, ex-Governor John T. Hoffman, Comptroller John Kelly, General Martin T. McMahon and Banker Edward Schell among them.

The Legislature that opened the new administration was Democratic in both branches. The Senate had twelve Democrats and nine Republicans; the House, thirty-three Democrats, twenty-seven Republicans. It was the first occasion since 1870 on which both Houses had been in control of the Democrats.

There were a number of exceptionally brilliant men in the Senate, but the Assembly won the reputation of being the worst that had gathered in Trenton in a quarter of a century. Partisanship ran riot, and the dignified Senators had to keep their eyes well opened to intercept the "strike" bills that were rushed to them for concurrence. Not satisfied to trust again to the gerrymander that had brought them to Trenton, they devised

another gerrymander that was believed to assure to the Democrats the control of the State for many years, and in the hope of reducing the Republican vote they even passed an act disfranchising college students. Dominie John H. Robinson, a droll and popular member from one of the Passaic districts, told them that they ought to be satisfied with an arrangement of the Assembly lines that had given them thirty-three of the sixty seats in the House, and warned them that the changes they proposed to make might turn the majority the other way. The dominie proved himself to be a prophet. The next Legislature elected under the new lines had thirty-three Republicans and twenty-seven Democrats. The act disfranchising the college students was a nine days' wonder throughout the State, and at the election in the fall produced violent disorders at Princeton, the seat of Nassau Hall, and New Brunswick, where Rutgers College is situated. The students insisted on voting and resisted all attempts to interfere with them.

The Senate clashed with Governor McClellan over some of the appointments, and there was a good deal of bad blood between him and that body. He retaliated upon Senators Pidcock, of Hunterdon, and Hendrickson, of Monmouth, because they had been Abbett's allies in the gubernatorial convention of the preceding fall, and snubbed them when it fell to his lot to make appointments for their counties. They were especially embittered because of their suspicion that Abbett's bitterest foe, "Staff" Little, was his accepted adviser in these instances. The controversy between the Senate and the Governor continued in fact all through his administration. The Republican Legislature of 1879 as violently opposed his nominations on the ground that his judiciary selections should be made on a non-partisan basis.

The only incident connected with the Legislature of 1878 that calls for any attention here, was the arraignment of Major-General Mott, who was then the Keeper of the State Prison, on charges of inhuman treatment of the convicts. A prisoner named Snook, who had been convicted in the Somerset county courts, through the efforts of Prosecutor James J. Bergen, of a

heinous crime, and sentenced to fifteen years in the State Prison, was reported to the county physician of Mercer as having died suddenly in the State Prison. Rumors spread outside the prison walls that he had been a victim of needlessly cruel discipline. On inquiry the discovery was made that the man had been gagged and forced into a dungeon and strung up by his wrists—his toes barely touching the floor—and, in spite of his piteous plea with his torturer not to kill him, left there for hours. When the under-keeper went in to see how he was getting along he found him dead. The discovery led to a general inquiry as to Mott's management of the prison. It was shown that he was harsh and overbearing and a heartless martinet, but for political reasons the House refused to present him to the Senate for impeachment.

Agreeably to Dominie Robinson's prophecy, the Legislature of 1879 had a working Republican majority in each House. Schuyler B. Jackson, of Essex—a brother of F. Wolcott Jackson, known throughout the railroad world as the Superintendent of the New York division of the Pennsylvania railroad—was Speaker of the Assembly, and General William J. Sewell President of the Senate. The two Houses had hardly got together before the Republican majority started hot-footed after the State officials. A fee system for their compensation prevailed, and the incomes of the holders of some of the State offices were said to be enormous.* Secretary of State Kelsey's office was reputed to be worth $25,000 a year. Ex-Senator Henry S. Little, who had become Clerk of the Court of Chancery, was said to be in receipt of $30,000 a year. Supreme Court Clerk Benjamin F. Lee was understood to have a more than comfortable income from his office. The Republicans might not have been particularly interested in these figures if they had not felt assured that the money largely went into the Democratic campaign fund. They called public attention to these rich places, and started out to make them salaried positions

*The fee system had been discussed before, and the Legislature of 1876 attempted to make an inquiry even as to the Governor's fees, but he refused to be catechised.

instead of fee positions. The imperiled officials surrounded them with amiable social influences, however, and succeeded in drawing some of the fire from the guns that were trained upon them. The salary system was not established, but a series of acts—denounced, of course, by the Democratic press as of purely partisan inspiration, but put through in spite of the noisy protests of the Democratic minority—skimmed about thirty-three per cent. off their fees. The Legislature, furthermore, lost no time in undoing the partisan work of its predecessor, and repealed, among other acts, the obnoxious College act.

Financial embarrassments with which two or three of the cities were threatened by the operations of indiscreet or dishonest officials at about this time, pointed to the necessity of placing in the hands of the people a check of some kind. The cities of Elizabeth and Rahway, which had been plundered right and left, defaulted during the year in the payment of the interest upon their bonds, and both were driven into bankruptcy. The Elizabeth city failure was due to the improvident extension into the untenanted woods lying around her of broad and handsomely-paved highways. There was no public necessity for them. The only purpose of their construction was the enrichment of the contractors who laid them out and the colluding city officials who authorized the work. It would be years before the property abutting upon the highways could find a market; such a thing as assessing it for benefits was out of the question, and the whole cost of the "improvement" was thrown back upon the city at large. Mainly from this cause the city found herself staggering under a debt of $6,000,000, and so exhausted by previous payments of interest money that, in 1879, she was unable to bear the burden longer and sent notices of her collapse to her creditors.

These, becoming apprehensive, started after her in full tilt and with the apparent determination of seizing her and holding her at a ransom. The Singer Sewing Machine Company, as a corporation, and George R. MacKenzie, its President, as an individual, and the Mutual Benefit Insurance Company of Newark held between them the bulk of the discredited securi-

ties. They commenced proceedings by *mandamus* in the State courts to force the city authorities to make provision in the ensuing tax levy for the payment of the accrued debt. Judgment was a mere matter of form, and one morning they walked into the office of Comptroller A. B. Carleton to take possession of all of the city property. For several weeks Mr. Carleton's office was the liveliest place in the State, and he and his fellow city officials were kept on a continual dance by their efforts to dodge the legal processes with which they were followed.

A. B. Carleton.

Eventually, in order to evade the court's order directing the making of an appropriation to meet the claims, a majority of the city Board of Assessors—that whose duty it was to make the levy—resigned their offices. This, of course, brought fresh embarrassments to the city, because, without a Board of Assessors, it was just as impossible to raise money to meet the current expenses as to raise money to appease the creditors. Left without a means of paying its teachers, or its firemen, or its policemen, or its Mayor and financial officers, Elizabeth was practically no longer a city at all. In despair they sought Senator Abbett for relief from the dilemma, and he in time devised a shrewd scheme that made every bankrupt city, like Elizabeth, the ward of the State, and gave to the Governor authority to appoint a tax commission from among the citizens, with simple power to raise sufficient money to maintain the local government. This board, when it was appointed, was a State board, and could

not therefore be pursued as part of the city government by the importunate creditors. Its functions were limited to the raising of only so much money as was needed to meet current local expenses, and it could not consequently be compelled to include in its appropriations any of the moneys demanded in settlement of the debt. Elizabeth staggered along under this provisional kind of government for a good many years. The creditors saw that they were balked, and ten or twelve years after the day of bankruptcy they entered into negotiations that resulted in the settlement of the claims at about fifty cents on the dollar. Her bankruptcy set the city back at least twenty-five years in progress and improvement. Property lost its value, and the handsome residences on "Quality Hill" were abandoned by their owners to their hostlers or to care-takers.

The cheated and defrauded taxpayers started in pursuit of the corrupt officials who had brought their miseries upon them the moment the default became known. Several were haled to the bar for fraud and conspiracy, and Supreme Court Judge Bennet Van Syckel, sitting in the Oyer and Terminer, spent several days in the trial of Leggett, the City Treasurer, and upon his conviction sent him to State Prison for seven years, to keep company with a colony of distinguished bank and city officials whose presence in the State Prison at the same time made one of the corners of the institution famously known as "Bankers' Row."

The bankruptcy of Rahway was a much less pretentious and exciting incident of the time. She had recklessly run into debt for new water works and a whole line of superfluous *et ceteras*, and was just unable to meet her obligations because of her extravagances. Jersey City, too, was tottering on the brink, and three years later was in such financial peril that her frightened Board of Finance resigned in dismay and it required all the skill and daring of Allan L. McDermott, Thomas D. Jordan, who subsequently became the Controller of the great Equitable Assurance Society of New York, of Emil E. Datz and ex-Congressman Augustus A. Hardenbergh, who succeeded them, to save her from ruin.

All these impending disasters were in the air while the Legislature of 1879 was in session, and the necessity for action that would protect the people against their untrustworthy rulers engaged the best minds in both Houses. The fruition of their deliberations was the presentation by Garret A. Hobart, the brilliant Senator from Passaic, of an act authorizing the summary investigation of the books of city and county officials. It commands the Presiding Justice in any Circuit to make the examination, with the aid of experts if he needs them, upon the application of twenty-five freeholders. The Legislature gave its concurrence to the act almost without debate, and Governor McClellan's signature made it law. Singularly enough, notwithstanding the opportunity it opens for the immediate discovery of fraud or irregularity on the part of ruling officials, the value of this important act seems not to have been thoroughly appreciated by the taxpayers of the State, and it has been called into play much less frequently than the public good has required.

The prohibition by the State Constitution of special laws still continued to puzzle the legislative mind. Interested schemers had devised all kinds of devices to dodge it, and the Supreme Court had set aside their acts, one after the other, as violative of the new constitutional principle; and it began to be realized that something like a system of general legislation was the only thing that the courts would uphold. The Legislature had undertaken to deal with the matter itself through what was known as the "High Joint" Committee, which devised a scheme of general laws which the Legislature refused to accept. By authority of the Legislature of 1879, Governor McClellan selected special commissions, one with ex-Senators Magie and Abbett among the members, to frame a general law for the government of cities, and another having Professor Atherton, of Rutgers, ex-Senator John Hopper, of Passaic, and John P. Jackson among its members, to codify the tax laws. Each of the commissions submitted a scheme, but it was altogether too ethereal to go.

CHAPTER XIV.

In Which Abbett Joins Hands With His State House Rivals to Even up Scores With Orestes Cleveland, and the Republicans Suffer a Great Disappointment Because of Their Failure to Elect Potts to the Governorship.

THE breach in the Democratic party grew wider and wider as the campaign of 1880, in which a successor was to be chosen for Governor McClellan, drew near. The State House magnates were visibly staggering under the blow Senator McPherson had administered in 1877, and their power was on the wane, while Senator Abbett's popular policy was bringing him into greater prominence every day as their rival in leadership. The Republicans believed that these factional disturbances in the household of their opponents placed the State within their reach, and there was a general concurrence of sentiment among them that the nomination of their strongest man might give the State a Republican government. After a careful comparison of records and an accurate weighing up of forces, they concluded that with Frederic A. Potts at the head of their ticket hope would look like an assurance. Mr. Potts was one of the kings of the coal trade in New York City, of the highest social standing, of large wealth, with widespread corporation alliances, tall, full-bodied and stately, of florid face and fine presence, who had held his own with Abbett, Magie, Hopper and the other intellectual giants of the two Senates in which he had served as the Senator from Hunterdon, and altogether the kind of man whom no body of politicians would think of inviting to lead a forlorn hope. The Democrats shrewdly guessed —not so shrewdly either, for it was an easy guess after all— when the probability of his selection as the Republican candidate

became known, that their opponents were preparing to give them the hardest fight for the mastery they had seen in many a year; and when so early a day as August 20th was fixed as the date for the holding of the Republican State Convention, it was plain that the Republicans did not propose to allow the vote to be taken without the most searching and thorough canvass of the State.

When, on the designated day in August, the delegates assembled in the Opera House at Trenton, Amos Clark, Jr., of Elizabeth, Chairman of the Republican State Committee, called them to order, and ex-Judge William T. Hoffman, a noted Hudson county lawyer, officiated as their temporary President. The Committee on Organization reported ex-Secretary George M. Robeson as permanent Chairman, and on the call of the counties for nominations Mr. Potts' name was practically the only one presented. A few of the delegates were clamorous for Kilpatrick, but the eloquent little cavalryman leaped to the foot-lights to beg them to fall in line for the Hunterdon Senator. Further call of the roll was unnecessary. Some one moved Potts' nomination by acclamation, and it went through with a hurrah.

The Republicans believed, when Mr. Potts, at his summer home at Monmouth Beach, notified the committee deputed to wait upon him, of his willingness to accept the nomination thus tendered to him, that they had assured his election by combining all the great corporation interests in the State upon his candidacy. The Pennsylvania railroad, marshaled into politics by General Sewell, had long been recognized as an enormous Republican factor. The Jersey Central, always at the beck and call of that old war-horse of the Democracy, Judge Francis S. Lathrop, had, if it was the ally of either side, been rather counted as a Democratic aid. Mr. Potts was himself one of the most influential of the Jersey Central stockholders, and there was an idea in Republican circles that his presence in the field would make the old Judge indifferent for once about his party's success. The railroads that were not thus represented by his candidacy were easily amenable to the

George C. Ludlow.

influence of Senator Garret A. Hobart, of Passaic, to the lot of whom, as the new Chairman of the Republican State Committee, the conduct of Mr. Potts' canvass fell. The better the influences that led up to the nomination were understood, the clearer it seemed to be that the corporations of the State had massed themselves for a contest with the people.

It was a powerful combination, but the time was inopportune. A deep-seated dissatisfaction with the exemption of the railroads from the payment of the tax burdens imposed upon individuals, which developed itself with tremendous force right afterwards, prevailed throughout the State. It was particularly strong in Hudson county, where vast areas of railroad property were withdrawn from the taxable assets and the cost of maintaining the local governments which mainly protected these railroad possessions fell almost entirely upon the individual taxpayers. Senator Abbett had made effective bids for popularity by demanding the passage of an act that should tax the railroad and the citizen alike, and the combination of the railroads in behalf of a Republican candidate pointed him out as the logical candidate to lead a Democratic fight against these overgrown monopolies, with equal taxation for the battle cry.

But Mr. Abbett had become singularly indifferent about public affairs, and he could not be persuaded to arouse himself from his apathy. If Mrs. Abbett's ambition had spurred him to the struggle he had made for the Governorship in 1877, her death since that memorable convention had robbed him of his inspiration. Such was the strength of the public sentiment that favored him, however, that there was yet a possibility that his name would be put at the head of the ticket in spite of himself, and those who were ambitious for the nomination themselves persuaded him, while the canvass was in its formative state, to publish a formal letter of declination. At the time he penned it he had no suspicion that his arch enemy, ex-Congressman Orestes Cleveland, would step into the shoes he had just cast aside. Mr. Cleveland, however, skillfully nursed the notion that, as the issue was of Hudson origin, it was right that a Hudson man

should stand for it, and, the moment Abbett stepped out, stepped in himself as Hudson's candidate before the convention.

It was at first suspected that his candidacy was born of the idea that Abbett would yet step forward for the favor of the Hudson delegation, and that his sole purpose was to weaken Abbett in convention by dividing his own county's strength with him. Ex-Senator Abbett was of those who accepted this explanation, and as he had no idea of being a candidate he paid little attention to the rumors that connected his neighbor's name with the nomination.

When the time for the selection of the delegates to the State Convention arrived, however, Cleveland spent money lavishly at the polls all over the State, and Mr. Abbett's friends opened their eyes to the fact that he was in earnest quest of the convention's favor. Mr. Cleveland had let no grass grow under his feet, and a large majority of the men chosen to sit in the convention were committed to his support.

Mr. Cleveland started in with the idea that their fear of Abbett's possible nomination would drive the State House managers to his aid. He was thunderstruck when he learned that, because of the bitterness born of his opposition to Bedle in the Parker convention, they refused to entertain any proposition from him. Randolph was weakly inclined to him, but Secretary Kelsey was bitterly against him, and finally took Randolph with him. Undeterred, however, Mr. Cleveland decided to make his fight.

The time fixed for the assembling of the delegates was September 1st. Excited politicians poured into Trenton from all parts of the State the night before. It had become noised abroad that the State House *regime* had decided to defeat Cleveland at whatever outlay, but with whom no one was able to guess. They found a strong ally, for the nonce, in Allan L. McDermott, then a fresh-faced young Jersey City lawyer, but since one of the foremost of Democratic leaders. The son of poet Hugh F. McDermott, he had been typesetter, reporter and law student. Fate threw him across Leon Abbett's path, and, with his intuitive knowledge of men, Abbett realized the moment he met him

that he was a young man of exceptional individuality and force. He took him into his law office, and it was on his certificate that Mr. McDermott was admitted to the bar. All through Mr. Abbett's life he was his most devoted, as he was his most able, lieutenant, and any thrust at his patron was sure to bring Mr. McDermott to the front as his champion. The possibility of Mr. Cleveland's nomination by this convention of 1880 excited McDermott only less than it did Abbett himself, and in the hope of foiling him he had taken it upon himself to solicit Joel Parker to stand for the nomination, but the old veteran earnestly begged to be excused from assuming the burdens of the Governorship again.

Andrew Albright, a Newark manufacturer with a vaulting ambition, tried to argue Mr. McDermott into aiding him when Joel Parker refused. At the recent annual fair of the State Agricultural Society he had been permitted to hold an umbrella over Abbett's head to shield him from the heat of the sun, in front of the President's tent on the grounds at Waverly, and, as people naturally asked who he was, he felt that he had got sufficiently into politics to entertain the idea of being a Governor. Neither Abbett nor McDermott could be induced to share the notion with him, and he relied upon John Seymour, a well-known Newark Democrat, to conduct his canvass for him, while they sought more promising alliances for Mr. Cleveland's overthrow.

It was visible to the most casual observer on the eve of the convention that Mr. Cleveland was easily the master of the situation, and the batteries of all the smaller forces were turned upon him. He was bitterly attacked, and his public record torn to pieces. The hotel desks were littered with circulars exploiting the Boulevard scheme on account of which he had raised his hand against Bedle, and laying bare the details of the more recent attempt to force the county into the purchase of a piece of his estate as a site for a new court house—a transaction that was covered with jobbery from beginning to end. And altogether the fight against him was as acrimonious and as uncompromising as it was possible for it to be.

While the contending forces were negotiating for delegations, and the lobbies were filled with log-rolling and button-holing crowds, all working and pulling and hauling for their own favorites, the State Committee was called together in the Trenton House to select a Chairman for the morning's convention. The State Committee was wholly in control of the State House coterie, and the crowds that hung around the door of the room in which it met were surprised to see Leon Abbett admitted to its secret conference. If there was a man in the State against whom everybody would have expected to see the doors closed it was he; and the throngs around the hotel spent the evening in efforts to guess what his welcome by these old-time antagonists of his could mean. At midnight they were treated to a new sensation in the announcement that he had been chosen to preside over Mr. Cleveland's convention. Only those who had seen Mr. Abbett dominate and overpower and bulldoze the Democratic conventions in Hudson from the chairman's desk were able to realize what an awful obstruction the State Committee had thrown in the way of Mr. Cleveland's success.

Mr. Abbett had gone to Trenton that night to even up scores with Mr. Cleveland. He had not forgotten the spectacular defeat which the Hudson Congressman had arranged for him in 1877, and he had actually gone down on his knees to his old enemies of the State House Ring to crave the opportunity to put his heel on Mr. Cleveland's neck from the platform of Taylor Hall. Mr. Kelsey and the rest were disposed to mistrust him. They suspected that it was only a scheme of his to secure his own nomination, and they made him vow that if it were tendered to him he would peremptorily decline it. Assured, when he had given them these pledges, that revenge rather than ambition had sent him to their conference, they brought Senator Ludlow into the room and confided to him their purpose of making him the candidate.

Ludlow had not, however, been the first choice of all of the big factors among the State House coterie. During the summer preceding the convention, Secretary of State Kelsey, Clerk in Chancery Little, ex-Governor Bedle, ex-Congressman Alvah A.

Clark and ex-United States Senator John P. Stockton, meeting casually at Saratoga, had discussed the gubernatorial situation, and, with the exception of Little, were rather disposed to look upon Ludlow as the most available of the willing candidates. Mr. Ludlow was a stout gentleman, of severe dignity, with massive face and Websterian brow, who had represented Middlesex county in the State Senate with unusual acceptability, and he was regarded as one whose record would commend him to the suffragists of the State. To the surprise of all the conferees, Mr. Little swooped down on Ludlow, when his name was proposed, like a thousand of brick. Mr. Little had a personal grievance against him. While in the Senate, Ludlow had voted for an act that made it impossible for Mr. Little to collect from the lawyers of the State, whom he had trusted for Chancery fees, about $30,000 of outstanding accounts. Ludlow was, therefore, the last man in the State to whose advancement the tall Chancery Clerk was willing to lend a willing ear. His colleagues had set their hearts upon him, however, and they spent the rest of the time, right up to the hour of this

Orestes Cleveland.

meeting of the State Committee, in bringing him to their way of thinking. He finally yielded, and when Mr. Ludlow was led into the State Committee room, to be hailed as the party's nominee of the morrow, he had become the undivided choice of all the State House crowd. Enemy of theirs, as he was, Senator Abbett received him as graciously as they, and pledged his best efforts to carry him triumphantly through the convention.

Mr. Cleveland was discomfited for a moment when he heard that Mr. Abbett was to preside over the convention, but he knew that he had secured a vast majority of the delegates, and he declared with confident emphasis, that Abbett nor anyone else could stand in his way.

When Chairman Shippen, of the State Committee, called for order in Taylor Opera House, at noon the next day, there was a band in the gallery; Kelsey and Little were smiling radiantly in one of the private boxes off the proscenium, and Abbett, with jaws of iron, stood in the flies awaiting the call to the slaughter of the day. Mr. Shippen had hardly announced him as the State Committee's choice for temporary Chairman, before great big George Thompson set up a hoarse shout for "three cheers for Leon Abbett!" and the Hudson Senator received a noisy ovation as he stepped to the front. Even before he had completed his pretty little speech of thanks, the Essex delegates set up a shout from one of the upper galleries that their seats had been occupied by strangers. Mr. Abbett remembered what the claquers and tooters had done for him in the McClellan convention, and he suspected that Mr. Cleveland had arranged to employ the same agency of enthusiasm again to advance his own cause.

"So long as I am Chairman of this convention," he shouted, slamming his cane down on the table, "delegates alone shall have seats."

While the noisy tussle between the delegates and the intruders was going on, Walter W. Acton, of Salem, and George R. Gray, of Essex, were made the temporary Secretaries. The morning hour was spent in the usual preliminaries, and after dinner, when the delegates re-assembled for one of the noisiest con-

ventions ever held in the State, it was announced that Mr. Abbett would serve as permanent Chairman through to the end and that the two temporary Secretaries would stay at their desks.

Almost immediately the delegates broke into tumult over the enforcement of the unit rule. It was said that Mr. Cleveland had but a majority of the votes of some of the county delegations and that the enforcement of a rule requiring each county to vote as a unit was necessary to his triumph. The majority of the delegation from Hudson favored his candidacy, but there were some who were against him—a mere handful, whose voices could not be heard in convention if the preference of the majority was to be announced as the preference of all. Colonel John I. McAnerny, a smooth-tongued member of the delegation, had taken it upon himself to espouse the nomination of ex-Congressman A. A. Hardenbergh, who, personally, was probably one of the most popular men Hudson county ever knew; and, so that Hardenbergh's name might be presented to the convention by his friends in the delegation, the Colonel made war on the unit rule and insisted that the vote of each delegate be separately tallied. Allan L. McDermott was not slow to see the advantage of making a split in Cleveland's home delegation, and he lent his voice to Colonel McAnerny's assistance and even brought the matter to the notice of the open convention. Mr. Cleveland's managers saw that if McDermott prevailed the Cleveland cause would lose many votes in many counties, and, of course, they made a bitter fight against him.

Chairman Abbett was not going to lose the advantage offered by McDermott's contention, and, amid a howl of protests, he declared that the preference of each delegate should be tallied, and when the angry Cleveland men attempted to appeal from his decision, refused to entertain it. Bedlam broke loose in the Hudson gallery, and the Cleveland contingent on the floor answered with a sympathetic tumult; but Abbett stood proof against all of their raging, and at one time, to emphasize the rule of individual action, held the whole shouting hall at bay

for ten minutes while he pulled a single Ludlow vote from the gallery.

One wave of excitement succeeded another till at last the convention reached the point of presenting the names of the candidates. Atlantic led off with that of Andrew Albright. Bergen wheeled into line for Hardenbergh, who had first seen the light of day on her soil. Hudson named Cleveland, Stockton, William W. Shippen, the President of the Hoboken Land and Improvement Co., and Abbett. Edward F. McDonald made the formal presentation of Cleveland's name on her behalf, and Colonel McAnerny put Hardenbergh before the delegates. Hunterdon cast her votes for John T. Bird. Middlesex, through Delegate Paterson, declared for Ludlow, and Morris, through Holloway W. Hunt, for Cutler. McDermott drew mingled hisses and applause by making a fiery protest on behalf, as he said, of the Hudson county taxpayers against Cleveland's nomination, and his speech was so rasping and bitter that Joseph L. Naar, editor of the Trenton "True American," who was a delegate from Mercer, made the point of order that the business in hand was the nomination, and not the defamation, of candidates. McDermott rode roughshod over him, and went on as though he had not spoken till he put John P. Stockton—"a pure man, pure as God Almighty created the soul of an infant"—in nomination.

No words can begin to describe the tumult that had been ceaselessly kept up through all these proceedings. Dozens of men were shouting like madmen all over the hall, and the crowd would respond with alternate hisses and cheers at every point they made. The clamor reached its height when William McAdoo, probably the most magnetic orator there was in the Hudson delegation, sprang to a bench to say that the only way to end the uproar was to put Leon Abbett in nomination; whereat big George Thompson started down the aisle, swinging his cane over his head and shouting for cheers for Abbett till he was at the foot of the platform. Delegates streamed from the benches in his wake, the galleries were half emptied, and a thousand shouting and roaring men stormed the platform.

"Abbett! Abbett! give us Abbett!" they cried till the perspiration rolled down their faces. But he stood like a statue of marble before them. There was a cold glare in his eye, and his jaw was set with a fierce determination. He waited, in the hope that the clamor would subside so that he could be heard. The roaring delegates divined what he had to say, and as often as he moved his lips drowned his voice in a fresh tumult. He hammered the desk in vain for order, and convinced, finally, that even his stentorian voice could not make his words heard, answered their mad yells in pantomime. When the throng saw him shake his head "no," they broke into a fresh uproar. He waved them off with his hand, and appealed by a motion for silence.

"You must listen to me," he finally managed to say. "To say that I am insensible to this demonstration would be to say what is not true. But I cannot stand as a candidate and be an honorable man after my letter of declination and while I am acting here as Chairman of this convention."

"Resign, then!" the crowd chorused back, while Abbett went on to say that, for one, he would battle night and day for the nominee of this convention.

"But," he concluded, in a voice that now rang through the hall, "I cannot be that nominee."

The completion of the roll-call proceeded amid indescribable confusion. Delegates all over the hall, armed with pencil and paper, kept tallies of the votes as they were announced. These showed that two-thirds of all the ballots had been cast for Cleveland, and a fresh tempest of cheers came from his friends on the floor. Nothing now remained but to make formal announcement of Mr. Cleveland's nomination, but Abbett had gone to the chair for the single purpose of seeing that that announcement was not made, and he met the angry demands of the Cleveland henchmen for it with freezing silence.

"Announce the result! announce the result!"

The call leaped from pit to balcony, and from the balcony to the rafters under the roof, but still as impassive as a figure of iron stood the Chairman, with hands folded before him, and a stare of

resolute unconcern in his eyes. The vast throng became delirious with excitement.

"Have the Secretaries figured up the result?" he asked, in a hard, metallic voice, when there was a lull, as he turned his face to the table where the scribes of the convention sat. Only those immediately around him on the platform heard one of the record-keepers respond with a "yes." The Chairman summoned his iron nerve as he turned to contort the information into the announcement that "the Secretaries have found an error in the tally." A chorus of protesting and derisive "Oh's!" greeted him, and another awful din followed. But the Chairman was firm, and insisted that another ballot should be taken.

Then, amid the wildest of tumults, Allan McDermott sprang to his feet to move that Abbett's declination be disregarded, and that the convention proceed to nominate him anyway. George Thompson swung his cane over his head down the aisle again, and for the second time hundreds of frenzied men were at Abbett's feet, praying him to consent. In other parts of the hall the Cleveland claquers set up a counter din for the announcement of Cleveland's nomination. Men leaped to their benches to shout protests, and others to drown their shouts. The bedlam that surrounded them made their ravings voiceless, and they seemed like mimic orators. Scores shook their clenched fists above the heads around them against unseen antagonists in pantomime delirium. Only the awful roar of a thousand discordant voices, with no sound articulate—like the roar of a tempest-swept sea—filled the hall. And still the imperturbed Chairman looked on with a chilly countenance, nor moved a muscle to quell the riot. He knew that the indignant and angry crowd, the jostling and yelling crowd, the hustling and pulling and hauling crowd, must tire in the pursuit of their phantom candidate, and that allowed to run the race unobstructed they must sooner or later come to a panting halt.

And so it was. Stout lungs grew weak and weaker; stalwart arms, that had sawed the air with frenzied energy, fell limp; the host at his feet gasped for breath; their fury and

enthusiasm had spent themselves by degrees. And with the lull came his voice declaring for the second time that he could not be a candidate and that the ballot must be taken again.

Through four ballots this scene was repeated. The convention lost its head for the third time, while he drove back another Cleveland wave, and clustered around the platform with noisy demands that he become the candidate. On the fourth ballot one of the delegations broke to Ludlow. The Cleveland retainers in the Hudson delegation had spent all their energies to overcome the iron will of the Chairman, and they saw that their efforts were to be in vain. In very despair they surrendered to him, and when the Chairman announced that Cleveland's own county cast one hundred and twenty-five of her one hundred and seventy votes for the Middlesex Senator, Mr. Cleveland's friends all over the hall accepted it as the inglorious end of their battle, and the delegations from all the counties struggled for the first opportunity to consummate Ludlow's nomination. With an air of triumph, Mr. Abbett finally announced that the tally of the clerks showed a vast majority for Ludlow, and declared him to be the nominee of the Democratic party for Governor of New Jersey. Some of the implacables in the Essex delegation refused to accept the decision, and met the usual motion that the nomination be made unanimous with hisses, and cheers for Frederic A. Potts.

The excitements that marked the progress of the campaign were as great as those that had attended its opening. It was singularly complicated on both sides by corporation surroundings, while the anti-monopoly sentiment was gathering strength at every meeting. Mr. Potts was recognized as the product of a railroad alliance for the control of the State. That Ludlow himself was private counsel of the Pennsylvania Railroad in New Brunswick was not as generally known, but the belief that the nomination of one of its own attorneys would make the Pennsylvania Railroad folks lukewarm in their support of Potts was doubtless the secret inspiration of the movement that forced him on the Democratic convention.

The Republican State Committee never made such a battle for

the victory as it made that year. Senator Hobart, of Passaic, was its leader, and as the battle progressed he displayed those qualities of political generalship which later led to his selection as the Vice Chairman of the National Republican Committee and the practical director of one of the most exciting of subsequent national campaigns. He had every district in the State canvassed and the preference of every voter as between the two candidates carefully ascertained. The results of these canvasses were listed fully, and on the eve of the decisive engagement Mr. Hobart and his colleagues knew just how many in each district and in each county could be depended upon to vote for Potts, how many for Ludlow, and who were doubtful. Each one of the doubtful men was personally solicited at his home by an agent of the committee, and the weak-kneed and independent Democrats were put under pressure. The Committee discovered that the anti-monopoly sentiment which was manifesting itself so vigorously in Jersey City, was operating more or less against its candidate in all parts of the State, but its method of urging the voters was so close and far-reaching that this objection to him was largely overcome. And a night or two before election the members of the Committee were more than jubilant over the anticipated certainty of making Mr. Potts Governor of the State. In these calculations the assumption was that the various railroad corporations would put their employes under pressure to cast their ballots for Potts, whatever their political or personal predilections might have been. And the Committee-men were consequently thrown into a state of alarm when, on the afternoon preceding election day, they learned that Secretary of State Henry C. Kelsey had just come away from a long conference with Andrew J. Cassatt, at the Pennsylvania Railroad offices in Philadelphia, smiling all over his face. The particular significance of this incident lay in the fact that Mr. Kelsey was the man who had been chiefly responsible for Senator Ludlow's nomination, and that Mr. Cassatt was the working factor among the officials of the Pennsylvania Railroad Company.

Those who were in position to observe the drift of the canvass on election day thought that they saw signs that the cam-

paign had resolved itself into a contest for the supremacy between the two rival railroad corporations of the State, and that the Pennsylvania Railroad had rather repented of its bargain to aid one of the chiefs of the Jersey Central to a potential State office and was at last disposed to assist its own attorney to the place. Some gentlemen there are who say that an order was given along the line of the Jersey Central for all its men in Ocean county, at least, to vote for Potts and for Rufus Blodgett, the Superintendent of the Jersey Southern Railroad, one of its branches, who stood there in that campaign as the Democractic candidate for State Senator. The same reliable authority asserts that soon after Mr. Kelsey left Mr. Cassatt's office, an order was sent out from the Philadelphia headquarters of the Pennsylvania Railroad, directing all the employes of the company to cast their ballots for Mr. Ludlow. It was said, indeed, after the campaign was finished, that a Pennsylvania Railroad engineer who had defied the order and voted for Potts, was unseated from his locomotive.

The two State Committees had wires run into their headquarters rooms at Taylor's Hotel, in Jersey City, for the transmission of the returns; and the figures, as they came pouring in from all over the State, on election night, were watched, compared and tabulated with feverish interest by hundreds of partisans. It was a close race between the two candidates, with Potts now a few votes ahead, and now Ludlow a bit in the lead; and at two o'clock in the morning the result was so uncertain that each of the State Committees claimed that the returns from the few precincts yet to be heard from would give its man the victory. Some of these lagging precincts were in Middlesex county; and the famous Horse-shoe Democratic district, in Jersey City, also seemed to be purposely holding its returns back. At five o'clock in the morning the figures from two or three of the precincts were still inaccessible, and the tide-watchers were forced to go to their rest without knowing which side had won.

At noon the next day the last of the ballot-boxes was placed in official custody, and on the face of all the figures, Senator Ludlow had a majority of 251. The official count of the vote

increased this majority to 651. That was the closest shave the Democratic party had ever had in the State.

Suspicions were very generally entertained among the Republican workers that the tide of the battle had been turned by fraud, and, as usual when fraud was suspected, the Horse-shoe district was put under surveillance. Singularly enough, a heated controversy, involving the integrity of the vote there, sprang up between Patrick Sheeran and Terrence J. McDonald, who had run for Assembly in the district. The district was so overwhelmingly Democratic that no Republican ever thought it worth the while to fight for it, and both of these candidates were Democrats. The local Board of Canvassers awarded the certificate of election to McDonald, and Sheeran proposed to ask the court for a recount of the vote. The fear that some irregularities affecting the gubernatorial vote might be revealed by a re-opening of the boxes for a recount of the Assembly vote, led the Democratic leaders of the State to use their influence with Mr. Sheeran to abstain from the contest, and it was never undertaken. The incident led to a conference among Mr. Potts' friends; and ex-Secretary George M. Robeson, Committee Secretary John Y. Foster and Chairman Hobart were a unit in advising him to commence a contest before the Senate against Ludlow's occupation of the office. Mr. Potts was a singularly sensitive and modest man, and he shrank from the ordeal. He always believed, however, that the Pennsylvania Railroad leaders in the State went back on the engagements that had tempted him to accept the nomination, and for weeks after the election a warm newspaper controversy was waged on the point. It was answered for the railroad that the vote in the counties through which the Pennsylvania railroad runs indicated that they were not behind the other counties in their fealty to the Republican candidate. In Burlington, Potts ran 33 ahead of his ticket; in Camden, 59; in Essex, 347; in Hudson, 450; in Hunterdon, 269; while in the Central Railroad county of Monmouth he was 49 behind, and in Ocean, 34.

CHAPTER XV.

WHICH CONTAINS SOME STARTLING FIGURES CONCERNING RAILROAD EXEMPTIONS, AND SHOWS HOW GENERAL SEWELL'S ELECTION TO THE UNITED STATES SENATE MAY HAVE HAD SOME RELATION TO THE MOVEMENT FOR EQUAL TAXATION.

THE election that had so narrowly escaped giving the State a Republican Governor, sent to Trenton, in January, 1881, a Legislature that was Republican in both branches, and the legislative cohorts started in hot pursuit of Mr. Kelsey for having, at the dawn of victory, spoiled their gubernatorial expectations. Mr. Kelsey's term as Secretary of State was on the point of expiring and the Senate held his renomination, which was submitted by Governor Ludlow, in the Judiciary Committee for weeks and then rejected it. The Governor abstained from submitting a new name, and, after the Legislature had gone home for the year, he re-appointed Mr. Kelsey *ad interim*, and the next Senate confirmed him for a new full term.

Senator Garret A. Hobart, of Paterson, having won his spurs in the campaign, was chosen by acclaim to preside over the Senate during the session, and Harrison Van Duyne, of Essex, was promoted to the Speakership of the Assembly. The notable event of the session was the displacement of United States Senator Randolph by a Republican successor. A half score of ambitious Republicans had been tempted to list themselves as candidates for the distinction which Mr. Randolph was to lay aside on the 4th of March, but General William J. Sewell, then serving the county of Camden in the State Senate, easily had the call over them all.

Senator Gardner, of Atlantic, presided over the Republicans

William J. Sewell.

of the two Houses when they met in a joint caucus in the Assembly Chamber to select the candidate they were to promote at the joint meeting to be held a day or two later. On the first ballot General Sewell had thirteen votes; ex-Secretary Robeson, eleven; ex-Congressman George A. Halsey, ten; Cortlandt Parker, of Newark, seven; ex-United States Consul Thomas H. Dudley, of Camden, five, and ex-Senator Frelinghuysen, three. On the tenth ballot Sewell commanded twenty-five votes to Robeson's twelve, Halsey's ten and Parker's two, and was declared the nominee of the caucus. Two days later he was chosen by each House, acting separately, and Governor Ludlow issued his commission to him. He retained his seat in the State Senate, as "the gentleman from Camden," till the eve of the day in March when it was necessary that he should go to Washington to be sworn in.

General Sewell had for years been a power in the State Senate. He held an admitted connection with the Pennsylvania Railroad Company in its higher administrative departments, but his own personal qualities reinforced the influence which this connection could not but bring to him. He had never set himself up as an orator and he never indulged in set speeches. He had a faculty, however, of compressing the thought for columns of rhetoric in a few sententious remarks, and, expressing it admirably, often turned the drift of debate by the things he found it possible to say from his seat within the compass of five minutes' time—as when his ten-word argument that the newspapers were part of the educational system of the State defeated a threatened movement for the discontinuance of the publication of the session laws in the public prints. A certain hauteur of manner won him the reputation, among the superficial, of being proud and self-satisfied and overbearing, but one soon came to learn that it was due wholly to his reserve, and among those whom he favored with a close acquaintance he was recognized as a hearty and genial companion, quite as ready to give as to receive, whose open-handed liberality to his friends had once almost wrecked his fortunes, and one in whom the sense of gratitude was not always measured by the expectation of favors to come. It was easy to

see, as he marched to his seat, that he had been a soldier, and he had, indeed, won his title as the reward of an active participation in the thick of the fight in the days that tried men's souls.

It was with pardonable pride that he said to his fellow-Senators, who suspended business to bid him an impressive God-speed when he laid down his functions in the State Senate, on the eve of the 4th of March, to take his seat in the greater Senate at Washington, that by his election to the Senate he had achieved the highest political honor within the reach of any foreigner. The Presidency of the Nation alone was higher, and, native of Ireland as he was, he was barred from even aspiring to that distinction. He had not been long among the statesmen who control the affairs of the nation in the great spreading building of white marble on the brow of Capitol Hill, before his force was recognized, and in the parceling out of the responsible committee places he was treated with a consideration that might have made the blood of older Senators tingle with pride. Even after a turn in politics had sent a Democrat to succeed him at the end of his term, he was still the chosen companion of the leading men of the land, and during President Harrison's administration no public man exerted a more direct influence upon administration policies and affairs.

In spite of his admirable personal qualities, the choice of General Sewell by the Republican Legislature, following upon a campaign in which the railroads had leagued themselves to give the State a railroad Governor, was not without its influences on Legislative elections in the fall (1881) that followed. Both were incidents that favored the popular opposition to the continued domination of the corporations. The particular point of attack was the relation of the corporations to municipal taxing problems. They not only paid no local taxes, but by absorbing into exempted properties large areas of ground for railroad purposes, they reduced the total valuations upon which taxes could be assessed, and so enlarged the tax bills of the individual property-holders.

Speaking for Jersey City, upon a pending equal taxation bill, in the Legislature of 1882, Assemblyman George H. Farrier

gave his colleagues a startling exposition of the size and extent of these exemptions in Jersey City alone.

"These giant railroad corporations," he said, "almost, but yet not quite, beyond State control, are eating up our substance and threaten annihilation. Every year more property is taken and disappears from our tax list. Large tracts of lands and whole blocks of houses are sometimes taken, and we have already lost more than one-third of our city. Property to the value of hundreds of thousands of dollars is drawn into this great corporation maelstrom, only to leave the burden of taxation so much greater on what is left. So enormous is this constant depletion, that the value of property annually taken from our assessment rolls is quite equal to the growth of manufactures and the capital invested in new buildings. The aggregate of railroad property exempt from city tax, as returned in the sworn statements of the Assessors to the Board of Finance and Taxation, is $19,394,546! The amount of railroad property in Jersey City now exempt from municipal taxation exceeds the entire valuation of either of twelve of the twenty-one counties in the State, as returned to the Comptroller for the year 1881. It is $177,000 more than the value of the county of Camden, real and personal! It is $3,000,000 greater than the county of Bergen, with all its busy towns and farms! It is more by $1,000,000 than the great county of Middlesex, including the city of New Brunswick with all its manufactures! Greater than Warren, and $3,000,000 in excess of Somerset; fifty per cent. more than the value of Cumberland county; worth almost as much as the fine county of Morris, with all its rich mines, valuable iron works and thriving villages; almost $6,000,000 more than Gloucester, and nearly of the same value as Hunterdon, covered as it is with fertile farms and generous orchards. And think of it, you representatives of the places I name! the value of railroad property in Jersey City which pays it no tax is about the same as that of the four counties of Sussex, Atlantic, Cape May and Ocean combined! And again, the railroad property in our city exempted from taxation by you is nearly four times the value of all the real estate and personal property owned by the

State, which includes this State House, the Normal School, Lunatic Asylums, State Prison and the various properties devoted to the uses of the several institutions owned by the State!"

In a paper subsequently read before the Kent Club, in Jersey City, Mr. Charles L. Corbin, a noted lawyer associated in the firm of Collins & Corbin, made an even more notable contribution to the anti-monopoly literature of the period. He called attention to the fact that, while New Jersey in population ranked as the nineteenth State, it ranked fifth in respect to the magnitude of its public indebtedness and second in the table showing the increase of debt since 1870. The States having a greater debt rank were—New York, with $218,732,000, the first in point of population; Pennsylvania, with $114,034,000, the second in population; Massachusetts, with $91,283,000, the seventh in population; Missouri, with $57,431,000, the fifth in population. New Jersey stood next, the nineteenth in population, with an aggregate local indebtedness of $19,547,000. New York—with $59,000,000 increase of debt between 1870 and 1880—alone led New Jersey with her $26,692,000 increase. Mr. Corbin next noted that the average rate of taxation in the State "exceeds two per cent. of a valuation which, as compared with that of other States, is high. In the State of New York, excluding New York City and Brooklyn, the average rate is less than one per cent. In Jersey City the rate of taxation is 2.94 per cent. at a full valuation, and the debt is not decreasing. In New Brunswick the rate is 3.63 per cent. In Camden it is 2.96 per cent. Newark is reckoned prosperous as compared with other New Jersey cities, but its city debt exceeds $8,000,000, and its burden of city and county debt, per capita, exceeds that of Brooklyn, which is regarded as a very heavily-burdened city. Elizabeth and Rahway are both openly bankrupt.

"The causes which have produced these effects are, no doubt, to a great extent, the same that have operated to produce indebtedness elsewhere throughout the country. But why should New Jersey have distinguished itself so greatly in the race toward bankruptcy as to have outstripped all competitors? In particular, why should the increase during the ten years from 1870 to

1880 have been so great, exceeding in amount the increase in any other State except New York, and, in view of relative population and wealth, greatly exceeding the increase in that State? No intelligent resident of New Jersey can doubt that, since the year 1873, a rigid economy has been practiced, with trifling exceptions, in the various counties and municipalities. Although scandalous defalcations have come to light in probably more than half the cities in the State, yet, with few exceptions, the losses have been made good to the public by the bondsmen of the guilty officials, and the crime punished by due legal penalties. No expensive public works have been carried on. No Governor of the State has found the cost of the Capitol a painful subject to contemplate in an annual message. There is no State canal, no Brooklyn or St. Louis bridge, no Hoosac tunnel, no Tweed court-house, to show for all the millions added to the debt in the last decade. I believe there is not in all New Jersey a city park of ten acres extent. The public wealth has not been wasted by a Pittsburg riot or a Philadelphia Centennial Exhibition. The people have, on the whole, been more prudent and economical than their neighbors in expenditures for public purposes. They have been taxed since 1870 to the limit of their endurance, in some cases beyond it, and yet the burden continues to increase. The State, under such pressure, is not sharing fully in the general revival of prosperity, and should another business revulsion take place the number of bankrupt cities in New Jersey would be greatly increased.

"The cause which far more than any other has given New Jersey such eminence in the crowd of public debtors, can be stated with confidence. More than one-fourth of the property of the State is exempt from county and local taxation. That exempted property belongs to the railroad companies."

Proceeding, after making this forcible presentation of figures, Mr. Corbin called attention to the fact that the assessed valuation of all the property taxed in the State, as stated by the Comptroller's report for 1882, was $535,467,000, and that the cost of the railroads and equipments, as returned by the officers of the companies for the same year, was $167,618,000. He then went

on to argue that the value of these roads was evidently much greater in the light of their net earnings, and that, following the method approved by the United States Supreme Court of valuing the property of a railroad by calculating the value of all its stocks and bonds at the market quotation, the worth of the railroad property in New Jersey would not run short of $250,000,000. He quoted statistics to show that the railroads escaped the payment, by their exemptions, of $2,000,000 of their portion of the public burden—which, of course, must be borne by the other property. "In other words," he concludes, "the people of New Jersey are paying an annual subsidy of $2,000,000 to the owners of the railroad property in the State. A State debt of $50,000,000, at four per cent., would be recognized as an enormous burden. And yet the annual interest on such a debt would be only $2,000,000."

CHAPTER XVI.

THE PYROTECHNIC CATOR COMES IN HERE, AND THE PICTURESQUE STORY OF THE FIRST ANTI-MONOPOLY BATTLE IS OUTLINED.

IT was to be expected that when the size and character of the exemptions were thus paraded before the public eye the masses would rise in protest, and in Jersey City, where miles and miles of property, seized by the railroads, had been taken out of the property assessable for the maintenance of the municipal government, there was a widespread anti-monopoly sentiment. Though everywhere prevalent throughout the city, it was still somewhat nebulous till Thomas V. Cator took it upon himself to crystallize it.

Mr. Cator was a handsome young New York lawyer, with raven hair and brilliant black eyes and olive face, and a wonderfully smooth and persuasive tongue, whose courtship of a young heiress of the Traphagen family had attracted him to Jersey City. Miss Annie Post, to whom his attentions were paid, was herself a woman of culture, with a penchant for political discussions and a liking for public affairs, and it was from her entertaining converse, likely, that Mr. Cator first caught a glimpse of a situation calculated to arouse his powers, and saw opportunities for an agitation that was admirably suited to his views and temperament. A lover's desire to be near to the woman of his choice was an ample excuse for making his home in Jersey City, and he had not been many weeks upon the soil before he found himself the center of an admiring throng of self-appointed monopoly fighters. With their aid he organized the Hudson County Anti-Monopoly League, and, attracted by his eloquence, the crowd that gathered at each weekly meeting to listen, if not to participate, grew larger and larger, till the organization be-

came a serious menace to railroad domination or railroad anything else in Jersey City.

An opportune turn of fortune's fickle wheel threw in his way, almost as soon as he had begun the agitation, an opening for effective work for the cause he had gone to the city to espouse. He had made his home in a part of the city largely settled by Pennsylvania railroad employes. If there was a corner of the city where the influence of that corporation was considered supreme, it was in this Third Assembly District, and it was known all over the State, too, as about the only reliable Republican district in the Democratic town. In spite of its large railroad population, Mr. Cator went into the Republican primaries there as a seeker after the nomination for the Assembly on an anti-monopoly platform (1881).

Thomas V. Cator.

The "regulars" of the district hooted him as a carpet-bagger and an adventurer, and pushed Asa W. Dickinson forward in his stead. Mr. Dickinson was then a very young man—a mere boy of twenty-three or four. He had been the legislative correspondent of a local newspaper and become a fast friend of General Sewell while at Trenton. He had ended his newspaper

career in order to go into the law, when the solicitations of his neighbors tempted him into politics, and he consented to go into the primary as a candidate against the brilliant anti-monopolist leader. The hall in which the primary was held was packed to suffocation, and the balloting proceeded amid great excitement. At the end of it Mr. Dickinson had the larger number of votes, and, in accordance with usage, was proclaimed as the party's nominee.

The Democrats of the district at once set up the cry that the primary had been packed in the interest of Mr. Dickinson by the railroad companies, and the surroundings pointed out Mr. Cator to them as their candidate on an anti-monopoly platform. The contest riveted the attention of politicians all over the State. Mr. Dickinson tried to escape the handicap of being regarded as a railroad candidate by making a personal canvass on purely partisan grounds, and might have won his fight had he not become enmeshed in the tangles of a collateral local complication.

Asa W. Dickinson.

It happened that Samuel W. Stilsing, one of the well-paid Police Justices of Jersey City and a Republican leader in the district, was anxious to be re-appointed. His connection with his office was to end in the following spring unless the new Legislature in joint meeting re-elected him. It was necessary, of course, that he should have the support in the approaching caucus of the representative from his own district, and he

solicited Dickinson, as the price of his assistance in reaching the seat in the Assembly, to help him to keep his city office. Major David A. Peloubet, a rival power in Republican councils in the district, also aspired to be a Police Justice. He hoped to be Stilsing's successor, and Dickinson had already pledged himself to him. He was therefore unable to give any aid to Stilsing, and the Judge easily made terms with Cator. Dickinson realized that with Stilsing favoring Cator his canvass would fail, and he made strenuous efforts to keep him in line with his party. One Republican after another waited upon the Judge to plead with him to forego his personal ambition for the party's sake. But all to no purpose. And then Dickinson's Republican friends in other parts of the State began to bombard him with imploring letters. Among the others the Judge found in his mail one morning was one that made him chuckle all over with inward satisfaction. It ran like this:

"DEAR JUDGE —Mr. Dickinson is the Republican nominee for Assembly in your district. The General and myself will remember whatever you may do in his behalf. Yours very truly,

"C. BARCALOW."

"The General" was the new United States Senator and "C. Barcalow" was Mr. Culver Barcalow, who has already been introduced to the reader as the chief of the Pennsylvania Railroad lobby at Trenton. The community of Jersey City had also been forced to make the acquaintance of Mr. Barcalow. Very well indeed did they know this sleek and well-dressed little gentleman with the drooping eyelid. They had found him in their path when they went to Trenton to struggle against corporate aggressions. He had proven himself a little too fertile in resource and a trifle too familiar with the ropes for those amateurs in lobby work who flocked to the capital to clamor for municipal rights in times of public excitement; and they had good reason to remember him.

Judge Stilsing knew the secret power for mischief that was hidden in the few lines a good genius had placed in his hands, and he smiled all over his face as he folded the missive carefully

and tucked it away in his pocket. He kept it there till the advocates of Dickinson had grown red in the face by the vehemence with which they were denying the insinuation that Dickinson's candidacy had a railroad streak in it; and then, a day or two before the close of the polls, he slipped up into the editorial-room of an opposition newspaper and asked if the incautious letter might be published.

"Published!" was the editor's vehement exclamation. "Published! Why, our man is elected the moment that letter gets into type."

The district went wild with excitement as it read and re-read the tell-tale missive. There never was such an outpouring as that of the anti-monopolists to defeat the young man whose election "Cul" Barcalow had thus dared to espouse. And when the vote was counted on election night, the acclaim of the streets and the burning of bonfires bespoke the public joy over the anti-monopoly leader's splendid triumph.

The reader who is interested in sequels may be assured that Mr. Cator secured a re-appointment for Justice Stilsing.

CHAPTER XVII.

A Certain Mr Shinn, of Atlantic, Comes to the Front here with some New, Crisp Money that had been Paid Him for His Vote on the "Water-Front Grab Bill," and makes an Enormous Sensation with it.

THE Legislature of 1882, born of these excitements, was divided between the two parties. The House was largely in control of the Democrats, and there were enough Republicans in the Senate to re-elect Senator Hobart to the Presidency. The House was Democratic, but Assemblymen James C. Clark and Dennis McLaughlin, of Hudson, and Joseph H. Shinn, of Atlantic, led a revolt in the Democratic caucus, and there was a delay of a day or two in the choice of the Speaker. The differences were patched up, however, and the organization was eventually effected in the Democratic interest.

The rolls had scarcely been called in the two Houses before a whole school of railroad bills were rushed to the desks of the Secretaries, and the session throughout was one of the most intensely dramatic that the galleries had looked down upon in many years. Two of these bills were of decided interest to the great railroad corporations. One, which became famous as Senate No. 111, placed in the hands of a majority of railroad directors authority to increase the capital stock of corporations, whether their charters gave them the power or not. It was understood to be of Central railroad inspiration and to be designed to take the control of that corporation out of the hands of the stockholders. The notable feature of its passage was that Cator left his sick bed to vote for it, an act that was severely criticised by his anti-monopoly friends as an abandonment of the principles upon which he had been elected.

In a personal letter to the author of this work, Mr. Cator writes thus concerning that vote:

"Jay Gould and the Reading road had by manipulation got hold of a majority of the stock of the New Jersey Central, and were about to put the N. J. Central into a syndicate to control the coal supply (an arrangement similar to that which Chancellor McGill last year by decree annulled). Just such an attempt was being made in 1882, and this bill was expected to enable the New Jersey people to hold on to the Central and keep it out of such a pool, which would raise the price of coal in New Jersey and New York, &c. This was told me by men in whom I had confidence—good men, anti-monopoly men—and it was true, and it was a fight for New Jersey against outsiders, and for the consumers of coal against a contemplated combination of the New York and Reading ring. The Governor thought it unconstitutional. I believed all questions of that kind should go to the courts for settlement, and always took that ground. I refer you to page 15 of my speech on equal taxation on February 6th, 1883, to show you I always took that position. For these reasons I gave my vote for it in good conscience, and not because anyone asked it, for my vote was not needed. Aside from this, the bill was good, and I would vote for it again. It is always, to my mind, good to call in and pay interest-bearing bonded debt overdue by substituting stock, which is an obligation not bearing interest or a fixed charge, and this bill provided stock could not be sold at less than par."

The other bill was intended to assist the Pennsylvania Railroad Company in the settlement of some litigation in which the company had become involved with Jersey City. After the railroads had acquired their riparian rights on the Hudson river and New York bay water fronts, they enlarged their terminals and railroad yards and made new territory for themselves by filling in the shallow points on the shore with earth, and then refused to permit Jersey City to extend those of its streets which pointed toward the shore over these acres of made land, to the water. In this way an invisible fence was practically erected along the old water-line, and all the new territory that had been made beyond it was closed against the public easements. The Board of Finance instructed the corporation lawyers of the city to bring suit to force the companies to open their gates so that the streets that had run down to the water could be extended over its property to the new water-line it had established, thus restoring to the public the access through the streets to the river or

bay that it had previously enjoyed; and Corporation Attorney McDermott brought ten or fifteen suits against the Pennsylvania Railroad and other corporation trespassers upon the public easements. To defeat these suits, an act which has gone down into history as Senate Bill 167 was presented by one of the Senators. Its title declared its purpose to be the "establishment and protection of the rights of grantees, lessees and licensees of the State from easements on land now or hereafter lying below high-water mark on tide-water." And it practically declared that where, on property acquired from the Riparian Commissioners, the line of the land had been extended farther into the river by filling for solid ground, the streets should end at the old river line.

The bill slid through the Senate undebated and not understood if it was noticed at all, and it was not till it reached its second reading on the Assembly calendar that the magnitude of the water-front seizure it proposed was realized. The New York "Times" was the first to sound the note of alarm, and the New York "Herald" joined in the exposure. Jersey City was aroused and the halls of legislation were besieged by her citizens. The opposition to the passage of the act was so strong that the railroad company found it necessary to send special counsel to Trenton to defend it, and Governor Bedle made a subtle plea in its behalf before the Committee of the Whole. McDermott, who was Assemblyman as well as City Counsel, responding to Governor Bedle's argument, happily described the bill as one intended to build a Chinese wall around Jersey City. A Monmouth editor named Bell, who sat in one of the Assembly chairs, met the attacks on the bill with the astounding admission that it had been carefully "prepared, discussed and considered before introduction," and so furnished Assemblyman William McAdoo with the text for one of the most thrillingly eloquent speeches against it that had ever been heard on the floor of the Chamber. Its other conspicuous defender besides Bell was a lawyer named Robertson, representing one of the Essex districts. In spite of the charges made upon it by McDermott and McAdoo, it passed the Assembly with thirty-eight votes to its credit.

The only hope of defeating it now was that which was based upon Governor Ludlow's interference. It was not forgotten that before his election he had been one of the attorneys of the railroad that was behind the measure and that the all-powerful corporation had even given him the great office he held; but during his three years' service in the Senate he had impressed the people as a man of stern rectitude, with a Spartan's courage, and the people were not without hope, when they appealed to him, that he would interpose his veto in their behalf.

A man of massive head, set squarely on broad shoulders, strength marked in every line of his face, and a square jaw that bespoke a stubbornness of temperament—one had but to look at him to feel that he could not be tempted by any inducement to do that which his conscience could not approve. He had made up his mind before the bill reached him that he could not countenance it, and he was subjected by its promoters to an enormous pressure which a man of less stern mould could not have resisted. He was cajoled, coaxed and threatened by turns. The obligations of fealty to the corporation whose employe he had been, whose political beneficiary he was, were thrown in his face. Glittering inducements were dangled before him, and when he stood like adamant against them all, a threat of political extinction which was afterwards relentlessly redeemed, was hurled at him. But neither appeal nor temptation nor threat deterred him, and within the limit of time the Constitution allowed him he sent to the two Houses a stinging veto of the act.

Its passage by the Senate over the veto was a foregone conclusion from the start. Applegate, the dark-mustached Senator from Monmouth, declared the bill to be one for the protection only of the owners of riparian rights. Gardner of Atlantic, Vail of Union, Taylor of Essex, spoke in the same strain. Paxton, the blonde Senator from Hudson, and the spectacled and dyspeptic Youngblood, of Morris, alone raised their voices in defense of the veto. And the vote was taken. Applegate, Beatty, Bosenbury, Deacon, Doughty, Gardner, Hires, Hobart, Lawrence, Martin (who was Ludlow's successor as the Senator

from Middlesex), Merritt, Nichols, Taylor, Vail and Wortendyke voted to override the veto; Ferrell, Havens, Paxton, Stainsby and Youngblood comprised all of the little band that stood by the Governor, and the bill was rushed across the corridor to be re enacted by the Assembly.

Meanwhile, the act was being debated with intense feeling outside of the two Chambers. At a mass meeting in Hoboken, the fiery McAdoo had said of the men who voted for it that they stood before the community as self-confessed and self-convicted scoundre's, and Bell, of Monmouth, with the air and voice of a Methodist exhorter, hauled him over the coals for it. The Speaker ruled him off his feet, however, with the point that a member could not be called to account in the Chamber for words spoken outside.

This same Mr. Bell on the following day moved the passage of the act over the Governor's veto. Assemblyman Lawrence was in the chair. Cator tried to table the motion, and McAdoo to postpone its consideration indefinitely, but without avail. Robertson, of Essex, insisted upon its being acted upon, and he became quite a figure in the subsequent proceedings because of the cool assurance with which he faced the angry throng of citizens that crowded the floor and packed the gallery. A thin, undersized man, with clean-shaven, pallid face, but clear, cold, grey eye, one would have supposed from his appearance that he was nervous and dyspeptic, and easily disconcerted. But amid all the ensuing excitement, he alone seemed to keep his head. He became the foremost advocate of the bill, and stood behind it pushing it forward to its goal with a merciless determination. He met the efforts of Cator and McAdoo for indefinite postponement with the point that the House could not escape its constitutional duty of considering and disposing of a veto. Lawrence declared the point not well taken, and the roll call on the motion to take up the veto for consideration proceeded without incident till the name of Joseph H. Shinn, of Atlantic, was reached.

Shinn was known as one of the roustabouts of the House. He had the air of a barkeeper out for a good time. But he

rose from the most inconspicuous of members to be the central figure in the greatest of recent legislative battles the moment he had secured the recognition of the chair. A paper in his hand, and the fingers that held it, trembled so violently, as he read from it, that it rattled. It was an affidavitt of his own, in which he charged that a certain man, whom he did not know, had approached him to vote for the passage of the bill over the veto. This as yet unnamed individual had gone at him insidiously. He had a mathematical problem to submit to him: "As your vote is to Senate 167, so is $500 to your answer." That was the problem. Barkeeper though he may have seemed, Shinn solved it at once, and took the solution to McDermott and McAdoo. They bade him encourage the tempter, and he played him along with the pretext that the price was not large enough, and $1,000 took the place of the $500 in a new equation. Shinn pretended to agree, and while he was eating dinner at his hotel a day or two later, a waiter slid a long envelope under his plate. He opened it and uncovered five crisp $100 bank notes. They were half of the promised bribe money.

Culver Barcalow.

In corroboration of his affidavit, Shinn fluttered the crisp, new bank bills in the eyes of the startled members. The chamber was thrown into indescribable uproar. Cator sprang to his feet with a motion for a committee of investigation, and with Flynn and Gaston of Passaic, Fiedler of Essex, Parrott of Union, and Baker of Cumberland, he was instructed to conduct the inquiry. The House was forced to a recess by the confusion, and at evening the committee began its work. It sat till daylight of the following morning. The identity of Shinn's

tempter was discovered in a short, thick-set man, with roving coal black eyes, set in a round, swarthy face—John J. Kromer by name. The members who had voted for the bill before it went to the Governor marched through the witness-box in steady procession to make denial that they had accepted the money Shinn had spurned. Audacious little Robertson was obliged to confess that he had taken a retainer at his office from an agent of the company "for three or four speeches" he had made on the Assembly floor in behalf of the bill. Convery, of Middlesex, deposed he had heard "from a Mr. Baker" that there was "money in the bill," and Fiedler, of Essex, told how "Cul." Barcalow, the legislative agent of the company, had, passing him, let fly the observation that it was "worth a thousand" to vote for the bill.

The committee got together, after all had been heard, and solemnly resolved that there was no corporation behind Kromer's $500, and that as for "Cul" Barcalow's passing remark to Fiedler, why it was only one of the exudations of his superabundant jocosity, and the next day it went into the Assembly Chamber to present its sapient findings.

The lugubrious Bell claimed the floor on his motion, suspended by the excitements of the day before, to take up the veto, when Cator asked leave to present the report. It was now the last day of March, and the railroad was determined to push the bill through over the veto, in spite of all the scandal it had created. Bell, its spokesman since Robertson had discredited himself, was unwilling to relinquish his floor privilege. The Speaker ruled that the reading of the special report was of the highest privilege. Robertson placidly took an appeal from the ruling. The hour fixed for the dissolution of the Legislature was fast approaching. But a few brief minutes of the session remained, and Robertson denounced the effort to put in the report as an attempt to kill the bill by consuming in other ways the time needed for its passage. Bell made a fruitless effort to have the hour for final adjournment changed to midnight. The Speaker declared that only the report was in order, and Arthur Wilson, the Clerk, began to read it. Robertson and Bell kept

their feet, shouting, "Mr. Speaker!" The Clerk raised his voice to drown theirs; they keyed up their demands for recognition to overcome his; the crowd in the gallery hissed and hooted.

The session's hour-glass was now draining off to the last grains. The excited throng kept their eyes anxiously upon the gilded Roman figures that indicated the minutes on the blue face of the big clock over the folding doors. The long, slim second-hand stalked around it with measured tread, like the leg of a golden spider, leaping from space to space with a jerky spring—the Clerk still reading, the two corporation members still shouting, the crowd on the floor and in the galleries still hissing and hooting—till it stroked off the fateful second fixed for the close of legislation.

The moment it had stalked there, with its searching, hunting pace, the Speaker declared the session at an end, and the defeat of the bill was accomplished.

Shinn was in high feather as long as the papers were parading his name all over the country and commending him for his "manly incorruptibility" and all that kind of thing. But when the excitement had subsided, and he ceased to be an object of interest to the passing throng, he repented his part in the exposure. He made himself quite ridiculous by his subsequent attempts to recover possession of the five crisp bank notes that he had so ostentatiously put in evidence for the entertainment of the galleries. The money had gone into the keeping of the State, and as there seemed to be no way of covering it into the State's accounts, he claimed that he had as good a right to it as the Commonwealth had. The plea availed him nothing, of course; but it required an act of the Legislature—passed a year or two subsequently—to place it with the State's available funds.

CHAPTER XVIII.

In Which Senator McPherson Brings a Democratic Bolt to an Inglorious Climax and Cator Keeps Up His Warfare on the Railroads.

THE excitements of the legislative session had charged the political atmosphere with an anti-monopoly tremor. Jersey City was still clamoring against the exemptions of railroad property. She was insisting upon equal taxation with noisy fervor. Assemblyman Farrier had put her demand in the form of a bill. It was to urge its passage that he delivered the speech from which quotations are made in a previous chapter. Cator and his League were growing more aggressive and noisy. Charles L. Corbin's address before the Kent Club had commanded the attention of the State. The narrowness of the escape from the passage of the water-front bill—the ready acquiescence with which the Republican Senate yielded to all corporation demands—served to give a Democratic drift to public sentiment in the campaign of 1882. It was what is known among the politicians as an "off year." There was no State ticket to be chosen; the strifes were in the districts—for Congressmen and members of the Legislature. That Mr. McPherson's term in the United States Senate was to end in the following March was a circumstance that gave zest to the legislative contests.

The notable outcomes of the congressional controversies were the defeat of ex-Secretary Robeson, the Republican nominee in the First district, by Assemblyman Thos. M. Ferrell, who had grown up in the Gloucester glass factories, and of John L. Blake, the Republican nominee in the Newark district, by Fiedler, a German hat-seller whom the German brewers had

backed. Ferrell had interested the labor unions in his canvass, and Robeson's friends always insisted that he had to fight Sewell as well as the Democrats. The loss of the strongest Republican district in the State by so conspicuous a citizen as the ex-Secretary made Mr. Robeson's defeat a matter of national concern. Not less interesting to the politicians of the State was the capture of the Newark district, second only to the Camden district in its Republican loyalty, by a Democrat. In the legislative contests, the Republicans found it possible to retain control of the Senate by a vote of 12 to 9, but the Democrats had a pronounced majority in the House. The carrying of Burlington county, always steadfast in its Republicanism, by Hezekiah Smith, the Democratic candidate for State Senator there, and the defeat of Cooper, the Democratic nominee in one of the unfaltering Democratic districts in Monmouth, by Dr. Thos. G. Chattle, on a Prohibition platform, were among the most notable outcomes of the legislative struggles.

When the two Houses gathered at Trenton for the work of the winter, John J. Gardner, of Atlantic, was made President of the Senate, and Wm. A. Stiles, of Sussex, a brilliant writer on the editorial staff of the "Tribune," was made Secretary. The House Democrats promoted Major Thos. O'Connor, of Essex, to the Speakership, and put Arthur Wilson, of Monmouth, at the Clerk's desk. Governor Ludlow, in his annual message, put fresh fuel on the anti-monopoly fire by his recommendation that a stricter method for the assessment of railroad property be devised, and that other corporations, then exempt, be subjected to taxation.

The overtowering topic was the election of Mr. McPherson's successor. Mr. McPherson himself was chief among the candidates. The State House Ring liked the idea of his re-election as little as it had the idea of his first election, but some of the factors in it deemed it prudent to keep in the background. Secretary of State Kelsey was less aggressive than he had been in 1877, and it fell to the share of ex-Senator Little to make the battle almost alone. The enormous fees that the Secretary of State and the Clerk in Chancery had been earning had been

lopped off, and both offices were made salaried positions, worth $6,000 a year. Mr. Kelsey had, in spite of the reduction in the emoluments, held on to his place, but Mr. Little had thrown up his Chancery Clerkship to succeed Judge Lathrop as Receiver of the Jersey Central Railroad Company. Notwithstanding that he was out of office, Mr. Little still exerted great political influence, and he threw all of his weight in favor of Chancellor Theodore Runyon. Ex-Senator John P. Stockton's name was also mentioned, and there were hints that Senator Abbett might be driven to the stake as a dark horse. Abbett had been McPherson's ally, and though Governor Abbett's friends claimed that he had thirteen supporters in the Democratic caucus, the mention of his name now was merely contingent upon Mr. McPherson's inability to capture the caucus. Stockton was against McPherson, but not a very active candidate, and Runyon refused to turn a hand over to help himself. The result was that when the Democratic members of the two Houses got together to select a candidate, Senator McPherson was without effective opposition, and was easily made the choice of the caucus.

Within an hour after the conference had adjourned, it became known that Assemblymen Dennis McLaughlin, Joseph T. Kelly and James C. Clark of Hudson, Thomas Flynn of Passaic, and William R. Jernee of Middlesex, had decided to bolt the caucus. The Democrats had only a slim majority on joint ballot, and the defection of these five statesmen threatened for a time to defeat Mr. McPherson's re-election.

The foremost figure on the Republican side when the legislative representatives of that party went into caucus to name their candidate against Senator McPherson was ex-Senator Garret Augustus Hobart, of Paterson, and their agreement to support him for the Senatorship was the natural outcome of the situation. A native of Monmouth county and a graduate of Rutgers College, he had gone to Paterson to study law with Socrates Tuttle, a distinguished member of the Passaic county bar and graduated into the family of Mr. Tuttle as a son-in-law. Miss Jennie Tuttle, a lovely and accomplished lady, who inherited much of the keen intellectuality and sparkling wit for

which her father was widely famed, became the wife of the handsome young lawyer. Mr. Hobart's professional, business and political career had been one of remarkable success, with few parallels among the citizens of New Jersey. This was due to natural endowments of ability, energy, generosity and *bon homme*, such as are rarely combined in one individual. He had begun his public career as City Counsel of Paterson, in 1871. A year later he had been made counsel of the Board of Freeholders of Passaic county. Elected in the fall of the same year to the Assembly from the Third district by the largest majority ever given there, he had been elevated to the Speakership in 1874. Declining the exceptional distinction of an election for the third term, in 1875, he had, in the following year, in obedience to the overwhelming desire of his party, consented to accept the nomination for State Senator, and received a majority which exceeded that cast for Mr. Hayes for President. He had served two terms in the State Senate, and in the sessions of 1881 and 1882 had been elected its President.

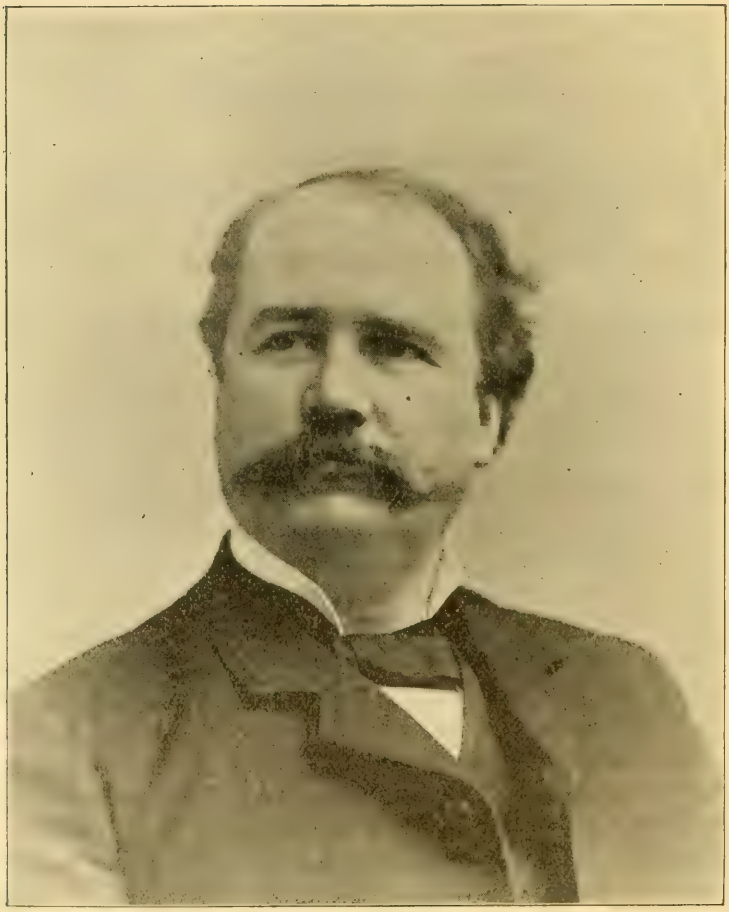
In the Legislature Mr. Hobart had displayed exceptional ability, and had been instrumental in placing upon the statute-book some of the most useful of laws. Conspicuous among these were the act, already referred to, providing for a summary judicial investigation of the affairs of counties upon the application of twenty-five freeholders, and another law charging the sinking fund of the State with the payment of all the interest and part of the principal of the State debt yearly, whereby the ordinary expenditures of the State were reduced about $100,000 per annum, which was largely the cause of the removal of the State tax, the absence of which is one of New Jersey's proudest boasts.

From the time of his entrance into politics Mr. Hobart had easily commanded the foremost position of leadership in his party in Passaic county, while both before and after his nomination for the United States Senate his capacity for political generalship was recognized in a much wider field, and in later years was in constant demand in the State and National Committees of his party. Of the former he was Chairman from 1880

to 1891, and he conducted several of its most brilliant campaigns. He sat as Delegate and Delegate-at-large in several National Conventions. In 1884 he was chosen a member of the Republican National Committee, upon the Executive or working committee of which he has since continuously served. For a number of years he was Vice Chairman of the National Committee, and several times declined pressing tenders of its Chairmanship.

He had been as successful in business affairs as in politics, and his remarkable ability in organization and executive work had led to his aid being sought in the formation and management of perhaps more corporate and private enterprises than any other man in New Jersey. With many of these he was still connected at the time this page was penned, as president, counsel, director or in some other capacity. A full list of these would almost fill a page of this book. Among the notable achievements of Mr. Hobart's business and professional career were his discharge of the trusts of receiver of the New Jersey Midland Railroad Company, of the Montclair Railway Company and the Jersey City and Albany Railroad Company, and also of the First National Bank of Newark, in 1880. This latter duty was fulfilled with an energy and ability that drew from the Comptroller of the Currency the warmest expressions of approval, the winding up of the complicated business being completed and the depositors paid in full inside of six months. Notwithstanding the remarkable pressure of his affairs, he found time to indulge artistic tastes of the finest order, which he cultivated by extensive study and travel. His home, "Carroll Hall," in Paterson, was known as well then as it yet is, as a model of refined elegance, and the hospitality of its popular owner and his amiable and accomplished wife was famed far and wide.

A man of such wide and varied experience was not the one to compromise himself with Democratic malcontents, whose motives in holding out against their caucus nominee were popularly believed to be far from the highest, and his refusal to profit by their defection destroyed the balance of power which they



Garret A. Hobart.

hoped to hold between the two parties. During the night preceding the day on which the joint meeting for the choice of the United States Senator was to be held, Senator John W. Taylor and twenty other Republicans of both branches of the Legislature marched in a body into Senator McPherson's room and gave him assurances of their readiness to aid him to an election if the five bolters still held out in joint meeting. Jernee and his fellows in the combine saw that further opposition was useless if the Republicans themselves were going to help elect McPherson, and the combination lost cohesion.

At noon of the following day the two Houses voted separately for the candidates. The Senate gave its vote for Hobart. In the House, William Hill, of Essex; Flynn, of Passaic, and E. O. Chapman, Martin Steljes and James C. Clark, of Hudson, voted blank. Chairman O'Connor ruled that they must name a man, and they all fell in line for McPherson. There being thus no concurrence between the two Houses, it was necessary for them, in subservience to the constitutional requirement, to get together the next day for a joint ballot. Courtesy entitled Gardner, as President of the Senate, to act as Chairman during the joint meeting, but the Democratic majority refused to concede the point to him because he was a Republican, and made him step aside for Major O'Connor.

Rumors that Mr. Cator was to make an attack from his chair upon Mr. McPherson served to crowd both floor and gallery with interested spectators. Chattle, of Monmouth, started the ball rolling by putting Mr. McPherson, "of Monmouth Beach," in nomination. Senator Youngblood, of Morris, put Mr. Hobart's name before the convention. Cator rose from his chair behind his desk, and felt the inspiration of a great audience when he began the attack he had promised to make. He discoursed about the power of the corporations in the councils of the State, intimated that railroad influences had produced McPherson, and ended a brilliant and effective speech by naming Governor Ludlow. The vote was taken amid a breathless silence. The count of the tally showed 43 of the ballots for

McPherson, 36 for Hobart, and 2—Cator and Flynn—for Ludlow.

All through the session Cator kept up the anti-monopoly dance he thus began. The bill with which he prodded the railroad corporations was one requiring them to pay taxes the same as individuals to the municipalities where their property was located, and in a speech urging the passage of the act, he called attention to the fact that there was $167,000,000 of railroad property in the State, and that if taxed at full local rate, it would yield $2,000,000 to the local treasuries, instead of the $643,000 then paid by them into the State treasury in lieu of local taxes. The argument against it was that the $643,000 was a large part of the State's income, and that if it were taken out of the State treasury and given to the localities where the railroad property lay, a heavier State tax would have to be imposed upon the counties all over for the enrichment, chiefly, of Hudson county, where the valuable terminals of the railroad companies were mainly located. The beefy Bryant, of Atlantic, who was the chief spokesman for the railroad companies on the Assembly floor, tried to amend the bill so as to provide that the money should be paid into the State treasury instead of into the local treasuries, and appealed to all the members from the rural districts to save their constituencies from further taxation by voting with him. The appeal fell flat. The amendment was lost by a vote of 43 to 16.

Tuesday, February 6th, was a field-day for Cator and his railroad bill. Bryant and Cronk, of Burlington, opposed it tooth and nail. Assemblymen Frank O. Cole, of Hudson, made an admirable speech in its behalf; Cator scintillated, and Gaston of Passaic and Parsons of Essex were heard in advocacy. The crowd in the gallery broke into cheers when the bill was announced as having passed by a vote of 35 to 23. The affirmative responses were made by Arbuckle, Armitage, Bolton, Budd, Cator, Chapman, Clarke, Cole, Convery, Flynn, Gaston, Gill, Harrigan, Hill, Hutchinson, Jenkins, Kelly, McLaughlin, Mills, Murphy, Neighbour, O'Connor, Parsons, Rich, Scott, Shannon, Sheldon, Shields, Steljes, Van Bussum, Wanser,

Weaver, Woodruff, Wortendyke and Young. Those who voted in the negative were Applegate, Bamford, Bryant, Campbell, Chattle, Coombs, Cranmer, Cronk, Forman, Freeman, Goodwin, Haines, Hoffman, Jernee, Lake, Larrison, Lewis, Ludlum, Robbins, Ross, Smalley, Stafford and Stoney.

When the bill reached the Senate Chamber, it collided with another that had been introduced by Senator Griggs, of Passaic, looking to the same ends but upon different lines. It was not many days before Cator's bill was reported by a committee consisting of John S. Applegate, of Monmouth, and Abram V. Schenck, of Middlesex, as unconstitutional, discriminating, ineffectual, and liable to impose upon the counties the burden of a larger State tax. The adverse report determined its fate. When Mr. Griggs' substitute bill was haled out of the committee, it was met with the objection that it was a measure for revenue, which under the Constitution must originate with the Assembly, and that the Senate could not consider it as original legislation. Mr. Griggs attempted to evade this point by the shrewd contention that his bill was merely an amendment to Cator's Assembly bill. The plea went for naught, and the Legislature adjourned without accomplishing any anti-monopoly legislation whatever.

CHAPTER XIX.

WHICH IN ITS WAY PICTURES THE TIRELESS FIGHT LEON ABBETT HAD TO MAKE AGAINST BITTER ENEMIES TO REACH THE GOVERNORSHIP, IN 1883.

BOTH the State Conventions, when they assembled to select candidates for Governor in the fall of 1883, committed the parties in their platforms to the cause of equal taxation. The leaning of the State towards Democracy, and the rancorous factional disturbance between the two wings of the party, aroused the larger interest in the deliberations of the Democratic Convention. The name of Leon Abbett was that most frequently heard in the public places. Mr. Abbett had been out of the public eye for some years, but during his service in the Senate he had proven a giant in the debates on the question of railroad taxation, which was now absorbing the attention of the people. In the discussions on the pending bills, he had dealt with the tax exemptions, which, declared by the courts to be in the nature of irrepealable contracts with the State, had for near half a century kept the tax-gatherers of the State at bay. He had attacked them with a vigor and directness that marked him out to the public, when it came now to seek a new Governor, as one especially adapted to the situation. Mr. Abbett had no especial desire for the Governorship itself, but the United States Senatorship, which was to be filled at the close of the gubernatorial term, was a glittering prize the reach for which could be made from the gubernatorial chair. His resourceful genius had pointed out to him, as the tax discussions of the last two or three years had progressed, an effective method of overthrowing the exemptions, and he was

tempted to yield to the popular desire that he should take the Governorship because of his confidence that he could lead an attack upon the entrenched corporations so brilliant and effective that the people would place the Senatorship at his disposal as the reward for his services.

The people had talked for many weeks about dragging him from his retirement again before it became known among his intimates that he was not averse to the use of his name. Good fortune gave him a chance, while public sentiment was crystallizing, to display his generalship in the very direction in which the new Governor would be called upon to go. The New Jersey Central Railroad Company, already described as one of the most grasping and arrogant of the non-taxpaying corporations, had gone into the hands of ex-Judge Francis S. Lathrop as receiver, and had run in arrears to its employes. Refusing all offers of retainers, Mr. Abbett took their case into court, and, through proceedings that made their wages first liens upon the railroad properties, forced their speedy settlement. It was a step that won him the applause of the laboring element as well as of the anti-monopoly element of the State.

The State House managers disliked and mistrusted him as much as ever, but having been twice humiliated by McPherson, they were not in as good fighting trim as they had been in the past. Mr. Little was the only one of them who undertook to continue the struggle against him. The convention met at Trenton, on September 13th, and a day or two before its assembling, Little went to Freehold in the hope of inducing Joel Parker to give Abbett battle in convention. The old war horse refused to consent to the use of his name, and Little rushed back to Trenton to make a bitter personal attack upon the Hudson Senator that was designed to so discredit him as to force the convention to nominate someone else. By the time the delegates reached the hotel lobbies, Mr. Little was ready to distribute among them handfuls of circulars attacking his personal and political integrity. The charges made in these circulars were that Abbett had been responsible for the Five County act, which practically permitted the mortgagor to bargain with the

Leon Abbett.

mortgagee for a more than the standard legal rate of interest, that he had opposed the six per cent law, that he had voted for the Catholic Protectory bill, that he had been indicted for malfeasance by the Mercer County Grand Jury, that he had aided the Pennsylvania Railroad Company in seizing the water-front at Jersey City, and that his general record in the Legislature was that of a venal man. The circular had not half the effect that Mr. Little had expected it to have.

When the convention assembled, Allan L. McDermott was made temporary Chairman, but the State House managers scored a point against Mr. Abbett by inducing the convention Committee on Permanent Organization to substitute George O Vanderbilt, of Mercer, in McDermott's place as permanent Chairman. They may have had hopes that Vanderbilt would hold the convention against Abbett as they had seen Abbett himself hold the convention against Cleveland, but Mr. Vanderbilt was too weak a man to answer the demands of such an emergency, and he was unequal to the occasion. It fell to Mr. McAdoo, of Hudson, to present Mr. Abbett's name to the delegates, and he made Mr. Little's circulars the object of caustic criticism.

The other names put before the convention were those of Charles E. Hendrickson, of Burlington; Jonathan Whitaker, of Cape May; Theodore Runyon and Andrew Albright, of Essex; Augustus A. Hardenbergh, of Hudson; Augustus W. Cutler, of Morris, and Lewis Cochran, of Sussex.

On the first ballot Abbett had 218 votes; Albright, 139; Whitaker, 116; Hendrickson, 47; Cochran, 44; Cutler, 43, and there were 16 scattering votes. It needed over 300 votes to make the nomination, and a second ballot was ordered. Albright was the only man who held his own against Abbett. The Cochran, the Cutler and the Hendrickson votes flopped over almost bodily to Abbett; and, the second tally showing 349 votes in his favor, he was declared the nominee.

Before the convention adjourned it completed the rout of the State House autocracy by selecting John R. McPherson as Chairman of the Democratic State Committee.

The Republicans hoped to have the aid of the defeated and

embittered State House autocracy in the canvass against Abbett, and the prospect that the fight might be won with an acceptable candidate led them to turn their eyes towards old John Hill, of Morris, as their nominee for Governor. John Hill was an uncouth and unread farmer. He was a typical ruralist, a man of plain manners, with a good deal of *bon homme* about him, who had managed by his restless activity in local affairs to make himself both conspicuous and popular in Morris county.

John Hill

He had been elected to Congress, as the result of one of the most searching campaigns in the history of the Fifth district, and he had immortalized himself while there by devising the postal card and making it a feature of the postal facilities of the nation. His crude oratory was of the homely kind that "took" with the people of that section, and when he went into a canvass he never missed a schoolhouse in all of the three counties comprising his district. At the time of the assembling of this convention he had just completed his fourth term in Congress, and a good many of the shrewd Republicans, taking his successes in his Congressional district as an earnest of what he could do throughout the State, believed that he was the man whom the party should send out to meet Abbett.

But all the plans that looked to his candidacy were spoiled at a little dinner given by William Walter Phelps on the eve of

the assembling of the convention. General Sewell, Frederic A. Potts, Garret A. Hobart and others of the Republican chieftains who were at the banquet, naturally discussed the political situation between bites, and some one suggested the name of Jonathan Dixon, of Jersey City, as that of an available man. Small of stature and rather thin of voice, Judge Dixon was not very imposing in form, but intellectually he was one of the cleanest-cut men in the State. His oratory was perfect in its elocution, his diction chaste, and his rhetoric trained. His extemporaneous speeches, printed as they fall from his lips, without change, read as gracefully as the most carefully-prepared orations of scholarly speakers, and it was said of him, at a trial in which both appeared, that if he had had the presence and the voice of Robert Gilchrist—who was one of the most dramatic orators in the State at the time—he would be one of the grandest public speakers in the country.

With all his splendid intellectual equipments Judge Dixon was, however, cold, ungenial, unapproachable and wanting in the magnetic qualities that gave Abbett the control of his hearers the moment they caught the sound of his voice. That he sat on the bench of the Supreme Court of the State was quoted as a circumstance of possible import, and at the dinner at which his candidacy was determined upon it was a mooted question whether he should resign his judgeship upon accepting the nomination, or continue in the discharge of his judicial functions while the canvass proceeded.

The convention at which these problems were to be solved was held in Trenton a few days after that which nominated Abbett. Ex-Senator Hobart, as Chairman of the State Committee, called it to order. William Walter Phelps entertained the delegates with a brilliant speech when he stepped to the platform as the temporary Chairman, and John W. Taylor, of Essex, was made permanent Chairman. Senator Gardner, of Atlantic, on the call of the counties for nominations, presented the name of Israel S Adams; Bergen, through General Duncan, presented that of John Hill; Chairman E. S. Renwick, of the Essex delegation, put Judge Dixon in nomination. Dixon had

an easy lead, but there was a manifest disposition not to accord the nomination to him till he had given assurances that he would lay down his judgeship. A resolution requesting him to resign his judicial position was proposed, but Editor Pangborn, of Jersey City, gave the delegates his personal assurance that Dixon proposed to step down, and the condition of the nomination was not put in the platform.

John W. Griggs, who was among the delegates, insisted, however, that the convention wait till Judge Dixon had been communicated with. The chieftains who had been at the Phelps dinner had already discussed and settled the problem. They had agreed that if the natural majority in the State were Republican, the proper thing for Judge Dixon to do would be to lay down his judgeship, and go on the stump in his own behalf; but they did not feel like demanding of him the abandonment of his high judicial position for the mere chance of taking the Governship from a pretty trustworthy adverse majority. And in spite of Mr. Griggs' attempt to delay the convention, they succeeded in putting the Judge in nomination before the all-important question had been submitted to him. The event showed that the want of faith visible among the delegates, in Pangborn's assurances, was fully justified.

"The convention," Judge Dixon wrote in his letter of acceptance, "found me holding a public office, second to none in the State for usefulness and consequent esteem. It did not request me to abandon that position for the purpose of seeking another, and I have therefore concluded, after weighing anxiously the varying counsels of friends, and influenced perhaps, though I trust not, by my own preference, to await where I am the decision of the people on the choice which the convention has made."

The effect of this little paragraph in the Judge's letter was to rob the campaign, that was expected to be full of energy and enthusiasm, of its spirit.

Senator Abbett received the committee appointed to notify him of his nomination, at his home, on Sussex Place, in Jersey City. His announcement to them that the Democrats he would,

if elected, recognize would be the Democrats who did the work in the campaign, was made the text of many a philippic by the Republican orators and editors, but it served to inspire the workers of the party to more strenuous efforts in his behalf. He made a great bid, too, for the favor of the masses by declaring subsequently from a platform that "when I am elected Governor, there will be a change in the Executive Chamber. No admission by card business for me! If I should catch any Secretary of mine saying who should see me and who should not see me, I would dismiss him in a twinkling."

Joseph L. Naar, Ludlow's Private Secretary, had brought Ludlow's administration into disfavor among those who had business with the Executive Department by stopping every visitor at his desk, and admitting him or not to the Executive presence according to his whim.

At that time Governor Bedle and Senator Abbett were next-door neighbors. One stoop, divided by a railing, served the two brownstone fronts in which they lived in old Sussex Place in Jersey City. Their families exchanged visits, and their social relations were close. But those who knew that they represented rival factions in the party made it a point of disparagement against Abbett that the blue-eyed ex-Governor would refuse to vote for him. Bedle had the confidence of the Hudson public to an unusual degree, and Abbett realized that an understanding that he would not support him could not but be hurtful to his prospects. Some friends of his waited upon Bedle and urged him to write a letter publicly proclaiming his loyalty to the party and his readiness to support its nominee. Governor Bedle shared the dislike of all his factional allies for his neighbor, and it was only after he had been importuned in season and out that he consented to put his pen to paper. When he consented, however, he spoke praise without stint, and commended the candidate for his "ability, independence, manliness, integrity and personal worth." The remark of one of the local newspapers that "when Bedle says that it means something," shows the campaign value of that indorsement—a value which was not destroyed by any means by the retort of a cynical opposition

sheet that the "something" it meant was that Bedle wanted to be a Chief Justice.

There never was such a campaign of vilification as that conducted by Bedle's factional friends and Abbett's factional enemies against him. He was accused of every political crime in the calendar, his personal probity was impugned, his private life attacked. And the charges were made with such boldness that Chairman Hobart, of the Republican State Committee, felt justified in saying in a public address to the voters of the State, issued on behalf of the Republican State Committee at the close of the campaign, that the Democratic candidate is "not distinguished for purity of character, and his reputation is not, to say the least, above suspicion."

A canvass made on such lines naturally made Mr. Abbett apprehensive of the result, and he saw from the start that nothing but the hardest work could save him from defeat.

And he faltered not at the prospects. The moment he received the nomination, he entered upon one of the most tireless campaigns in all the history of the State. For six or seven weeks he did not take his clothes off except to change his linen, and his average of rest was scarcely four hours a night. He addressed as many as five meetings in one day, and was hurried from town to town, in special trains and in coaches with relays of horses, without his meals. He held receptions after his meetings and probably shook hands, before the campaign was over, with half the people in the State. Fond mothers carried their children to be kissed by him, and for years afterwards it was the proud boast of many a farmer that he had shaken a real live Governor by the hand.

One night, he was addressing a crowd at Perth Amboy at eight o'clock, and before eleven o'clock was entertaining another throng of voters at Phillipsburg, clear across the State. That night's experience became historic, and the details of it, as related by William C. Reick, then a local newspaper correspondent, but afterwards a famous editor of the New York "Herald," who followed him in his campaign till he could no longer keep pace

with him, is well worth reproducing from the Newark "Evening News" of Saturday, October 20th, 1883:

"As the five o'clock train on the Central Railroad drew up at Perth Amboy yesterday afternoon," the newspaper account reads, "a bright-eyed, doughty, little man alighted from the cars in the midst of an admiring group of friends, and as he reached the platform three cheers for Leon Abbett were sent up. The Democratic gubernatorial candidate and the friends who accompanied him took carriages and were driven to the residence of ex-Assemblyman Convery, where everything was found in waiting for the guests, who immediately repaired to the supper table. Mayor John T. Garrettson, of Perth Amboy, did the honors of the evening. At the table were Leon Abbett, Congressman McAdoo, William F. Abbett, ex-Assemblyman Convery, Colonel Zulick, of Essex, and Albert Hoffman. Before supper was over the house was surrounded by enthusiastic Democrats, and Mr. Abbett was obliged to leave the table and receive visitors in the parlor. The Jeffersonian Light Guards, of Perth Amboy, headed by a band, paraded by the house, and a line was formed, with Mr. Abbett in the front rank, and the march taken up to the City Hall. The hall was used by the State Legislature in colonial times, and is much prized by the residents of Perth Amboy for its antiquity. Mayor Garrettson opened the meeting and immediately introduced the Democratic gubernatorial candidate.

"'It gives me great pleasure,' said Leon Abbett, 'to be present with you this evening. I did not think I could accept your invitation, as I had previously promised to speak away off at Phillipsburg, in Warren county, and I am going there to-night. I have made arrangements to attend both meetings, that I may meet the Democracy of the two ends of the State face to face. The candidate of the opposite party does not desire that the people should see him and therefore he stays at home. I represent in this campaign the principles of the party that placed me in nomination, and I am not making a personal fight to satisfy my own ambition; it is that the living principles of the Democratic party may receive the sanction of the people that I make

this fight. The Democrats have governed the State well; in fact, better than any State in the Union. We do not have to pay one dollar of State tax; the Democratic administration is paying the expenses of the government without it. If I am elected Governor of this State I pledge myself to support and continue the same policy that has so successfully governed our State.

"'The Republican party is losing votes every hour,' continued Mr. Abbett, 'and they cannot explain their sudden alienation of thousands of voters. It is because good and conscientious men joined the Republican party; they thought it was the right party. But now they find it corrupt to the core and no longer worthy to be trusted.'

"Mr. Abbett spoke of the Republican losses all over the country, and said it was the desire of the Democrats to swell the majority this year so that it would be an easy matter to win the battle next year, when a President was to be voted for.

"'If I am elected,' continued Mr. Abbett, 'I will give to the State a pure administration; and I will do more—I will see that the Democratic party shall come into the fight one year from now as an organized party, and not as a disorganized mob. There is ample opportunity for those who want to get into the fold before it is too late. The Bible says that a man may come in at the eleventh hour and receive his penny, but the man who is outside on the day after election will stay there, for when the door is closed it will close forever,' concluded the speaker amid enthusiastic applause.

"Before the cheers had died away he had reached the floor of the hall and was forcing his way through the crowd. He and his friends took carriages that were in waiting at the door, and the horses' heads were turned toward the depot of the Lehigh Valley Railroad. The horses were urged to speed by the frequent use of the whip, and the vehicles were whirled over the roads at a rattling pace. At the station an engine and a car were in waiting, and the party jumped on board with surprising alacrity. It had at first been Mr. Abbett's intention to take an engine only, but as several of his friends volunteered to accom-

pany him on his ride against time, an Eastlake car was attached. At thirty-four minutes after eight the party started. In the car were Leon Abbett, his son William F. Abbett, Albert Hoffman, ex-Assemblyman Convery, Superintendent Broadhead and his assistant, Mr. Shay, of the Lehigh Valley Railroad Company, and Mr. William C. Reick, correspondent of the Newark 'Evening News.' It was evident from the start that the engineer was doing his best. The impenetrable darkness without rendered it impossible to see a foot from the car windows, but the steel rails outside upon the opposite track and the cross-ties, under the light of the car lamps, looked like one continuous board road. As the engine rounded curves the occupants of the car had to clutch the seats for support. Suddenly the engineer drew up, and after the occupants of the car recovered from the shock they found that they were at Metuchen Junction. The engineer said that he did not want to try to pass a train, and the special train was delayed about two minutes and a half; then the journey was resumed and the same break-neck speed attained. At seven minutes past nine the train shot past Three Bridges, a distance of thirty-two miles from Perth Amboy. The trip of thirty-two miles had been made in thirty and a half minutes. The train thundered on in the intense darkness, while the party in the car were making themselves as comfortable as possible, Leon Abbett estimating the number of revolutions the drivers were making every second, and the rest of the party talking politics and spinning campaign yarns. At Flax Mills one of the boxes took fire and a stop had to be made. A hose was procured and the fire put out. The hot box caused a delay of fifteen and a half minutes, at the expiration of which the train was once more set in motion for Phillipsburg. After a short run the destination was reached, and it was found that the State had been traversed from the Raritan to the Delaware, a distance of fifty-four miles, in seventy-three minutes, with eighteen minutes lost in stops, making the actual running time fifty-five minutes. If the train had not been compelled to slow up in stopping the run would have been made in a mile a minute.

"At Phillipsburg, Parochial Hall was found crowded and Allan L. McDermott, of Jersey City, was speaking. Leon Abbett was introduced and was enthusiastically received. In the course of his remarks he reviewed the Democratic administration, arraigned the Republican party for extravagance in national affairs and promised, if elected, to do all in his power to secure a government of the people.

"After the meeting an informal reception was held at the Phillipsburg House and at half-past eleven the train was again making for Perth Amboy. The run was not made so rapidly, however, and it was half-past one o'clock before the party reached Perth Amboy.

"Leon Abbett was up bright and early before the rest of his friends and was off for Keyport."

During all this time, the Randolph faction of the party was assailing him in the newspapers and furnishing the Republican orators with points to use on the stump against him. Ex-Senator Henry S. Little kept up his bitter personal attacks, and it seemed at one time as though there were doubts of his election.

Mr. Abbett, however, went right into the strongholds of his factional opponents and literally fought them on their own ground. This bold system of warfare was not without its benefits.

Mr. Abbett did not make as much of a point of Judge Dixon's connection with the discredited system of government in Jersey City as he might have made, but confined himself to the topic of the tenderness for monopoly interests that for years had exempted the railroads from taxation. His engagement with the people whom he addressed was to compel these corporations to pay taxes on their holdings, just as the individual was wont to do, and his promise that if he were elected Governor, enough would be raised by the State from this source to forever free the people from a direct State tax.

The promise to free the people from State taxes was a taking card in the rural districts, while the engagement to make the railroads bear their share of the public burden won him strength

in the cities. And in spite of all the opposition, inside his party as well as outside of it, the energetic and tireless Hudson Senator was chosen to the Governorship over Dixon by a plurality of 8,809. Parsons, the Prohibition candidate, took 4,153 Republican votes from Dixon, and Urner, Populist candidate, took 2,960 from the Democratic side, so that the net Democratic majority was about 7,500.

The same wire that carried to the public the figures showing Abbett's handsome triumph brought the startling news that ex-Governor Theodore F. Randolph, the leader of the faction which he had just overcome, had dropped dead at his home in Morristown.

Mr. Abbett had just turned forty-eight when this promotion came to him. He had come from Philadelphia to make his home among Jerseymen and been pressed into politics almost as soon as he settled in Hoboken. He had formed a life-long partnership with W. J. A. Fuller, a member of the New York bar and as keen-witted a lawyer as himself. Mr. Fuller was a close friend of Dr. Marcy, whose kinship to General George B. McClellan is well known. Judge Fuller was naturally enthused when the General was made the Democratic candidate for President of the United States in the fall of 1864, and when he looked around him for men whose tongues could advance the General's cause, the availability of his bright young law partner suggested itself to him. Abbett had never attended a political meeting of any kind up to that time; but Judge Fuller easily persuaded him to go on the stump for the national ticket, and he pitched in with characteristic energy. His first political speech was made from the steps of the City Hall in Jersey City. He was not a polished orator in any sense of the word, but he was a vigorous and earnest and logical talker, and he never failed to carry the throng with him.

Recognized at once as a man of power, he was caught up by the local politicians and sent to the Legislature frequently after 1865 as a representative of Hoboken and Jersey City constituencies. His career as far as it concerned the more important matters of State has been portrayed in the pages of this narra-

tive; but he had been besides an aggressive combatant against the Republican jobbers who had entrenched themselves in Jersey City. His work in completing their overthrow by establishing the charter that displaced them was the culmination of a long and bitter struggle on his part for home rule and the Democracy of the city. He had been active in every political agitation of the intervening fifteen years, and his promotion to the Governorship was looked upon everywhere as the fitting reward of notable public services.

Mr. Abbett was formally inducted into the Governorship in the following January, with the usual ceremonies, and his reception in the big parlor connected with the Executive Chamber was one of the most largely attended any Governor had ever had. Voters who had shaken his hand during the campaign flocked to the State House from all parts of the State to renew the acquaintance. They brought their wives and sisters and sweethearts with them, and two or three women carried in their arms babes whom he had kissed during the campaign to be kissed again.

"See, Governor," said one beaming-faced matron, pressing her finger against the cheek of her child, "that's just the place where you kissed Sis when you was down to Salem last fall."

The Governor took the hint, and when the proud mother passed down the line there was another red spot on that little one's cheek.

But the tribute the Governor most highly prized, probably, was that paid him by his own daughter, Miss Mamie, when, the procession grown thin, she fell in at the end of the line and walked in her turn to him to salute him. He listened to her congratulations and compliments with a beaming face which bespoke his pleasure at her graceful attentions.

In his inaugural Governor Abbett made railroad taxation his theme.

"The evil of bartering away the sovereign rights of the State over taxation," he said, "is now apparent to all, but it is a doctrine which the courts have recognized, and complete sovereignty can never be restored to the State until all contracts on the subject

of taxation are extinguished. Is there power in the State to resume its lost sovereignty? How can it extinguish these contracts? I am of the opinion that it can be done upon compensation, and that the measure of such compensation can be determined by a court and jury in the same manner that they would determine the value of real estate taken for public uses by private corporations. * * * Our Court of Errors has held that in the exercise of eminent domain the Legislature may confiscate shares in corporations, and even corporate franchises may be taken for public uses upon just compensation, and has declared that the title of this species of property is no more secure against invasion, when the public uses require it, than is the ownership of real estate. * * * The public requires the extinguishing of these contracts in order that the provisions of our Constitution which require that property shall be assessed for taxes under general laws and by uniform rules according to its true value, may be obeyed."

Further on in the address the Governor urged legislation looking to the accomplishment of these ends. He pronounced himself opposed to the levy of any direct State tax, and suggested that this might be avoided—first, by increasing the percentage of tax paid by the railroads on their roads, equipments and appendages; second, by subjecting the irrepealable franchises of the companies to taxation; third, by taxing other than railroad corporations, such as telegraph and telephone companies, gas, insurance and trust companies and the like; fourth, by exacting license fees from foreign companies doing business in the State; and, fifth, by imposing a collateral inheritance tax. But the chief of these suggestions was that concerning the irrepealable franchises of the railroads.

"Tax us?" the railroads had protested; "why, we are exempt from taxation under a contract from the State."

"Humph," Abbett proposed to say to them; "so you have an irrepealable contract that exempts you from taxation, eh? Well, that contract itself is a very valuable piece of property; we will tax that."

CHAPTER XX.

IT TAKES A GOOD MANY PAGES TO TELL HOW THE RAILROADS WERE FORCED TO PAY THEIR TAXES, AND HOW MR. CORBIN WAS EMBARRASSED BY TWO SENATORS AND TWO LETTERS, AND HOW BITTERLY THE STATE HAD TO FIGHT THE D., L. AND W. R. R. CO. TO GET HER DUES.

WHILE Governor Abbett's inaugural of course gave direction and vigor to the current of legislative talk, the subject of railroad taxation and of the devices that were possible to overcome the irrepealable exemptions, was not, as we have seen, a new one by any means. Away back in 1879 Senator Cobb, of Morris, had attempted to force the taxation of the capital stock and franchise of the Tuckerton and Atlantic road, which was at that time seeking a charter; and after the passage of the Somerset and Easton Railroad bill in 1872, Senator Cutler had asked for a special commission to report a general law for the taxation of railroad property. Governor Abbett himself, while sitting in the Senate for Hudson county, had, in 1876, offered a bill for the taxation of corporation holdings equally with all other classes of property. Assemblyman Farrier pushed an act of that purport through the Legislature, but Governor Parker, claiming that it was ineffective or oppressive or crude in some of its provisions, sent it back with his objections. In each of his three annual messages—1882–3–4—Governor Ludlow too had rung the changes on his demand for an intelligent and comprehensive tax law; and the Senate of 1883 had discussed a scheme of legislation for two days and then discarded it.

But with Governor Abbett's accession to the Governorship, the movement for the reform presented an aspect of exceptional

briskness. The Governor was looked upon as a man of unusual force and determination, and his treatment of the question in his inaugural was recognized by all the railroad men in the State as a definitive declaration of war.

The Legislature with which he had to struggle for the carrying out of his recommendations, was divided politically. The Senate was in the control of the Republicans, with the blonde Senator from Union, Benjamin A. Vail, sitting on the presiding officer's dais. The Assembly was Democratic, with Alfred B. Stoney—a stalwart six-footer, who had devoted his life to steamboat-running until he came into the Assembly to represent one of the Monmouth districts—in the Chair. A conspicuous absentee from the roll of equal-taxation advocates, was Assemblyman Cator. He would have been gladly returned to the seat which he had held for two years, by his district constituents, but he had set his ambitious heart on the Governorship; and in the belief that a demonstration of his ability to win an office from the great Democratic county of Hudson would commend him to the favor of the Republican State Convention, he had been tempted into accepting the Republican nomination for State Senator in the poll of the preceding fall. The Democrats feared that the popularity of his equal-taxation crusade would lose them the choice office, and they felt the necessity of selecting their most available man to confront him with. E. F. C. Young, a rising power in business and politics, led them to the house on Bergen Heights next to that in which Cator lived, to find a competitor for him. William Brinkerhoff was not only Cator's neighbor, but his close and intimate friend. He came of an old Dutch family that had at one time owned most of Bergen Hill. He had been Mayor of old Bergen City when a beardless boy, and later a member of the State Constitutional Commission of 1873. Public questions had engaged a large share of his attention. He had displayed his public spirit in opposing and defeating several public jobs. Even then the county was ringing with the echoes of his battle with the local Board of Freeholders over a job by which they had attempted to saddle the county with a costly court-house site; and because he had

the confidence of the people Mr. Young urged him as best fitted to measure lances with the rising anti-monopoly light. The contest was a memorable one. But the grounded political affiliations of the people overbore their zeal in the cause of equal taxation, and believing likely that he might be trusted to work as zealously in the same direction, they gave their support to Brinkerhoff, and Mr. Cator was thus barred from a seat in the Legislature that was destined to deal decisively at last with the railroad taxation problem that so absorbed him.

William Harrigan.

It is not to be understood that the Legislature was unfitted for the task, even if Mr. Cator was not then to be its moving spirit. At the Senate desks were Gardner, of Websterian mould; rugged old Hezekiah Smith, of Burlington; Stainsby, the veteran of Essex county Republicanism; Youngblood, of Morris, looking for all the world like a jaundiced old woman behind his spectacles; the caustic-tongued Griggs, of Passaic; Brinkerhoff, scrupulous about the cut of his clothes and the snowy whiteness of his linen; and Vail, whose mild blue eyes and boyish face gave no sign of the mental power that lay behind them. Hudson sent to the Assembly chamber an advocate of equal taxation of equal zeal with Cator, in the smooth-tongued Frank O. Cole; the erudite Edwin O. Chap-

man, and handsome Colonel Samuel D. Dickinson, tall of figure with rosy face and long, flowing blonde mustache, were among his colleagues. The old war-horse, William Harrigan, full of wit and jest, white-bearded as he was; John L. Armitage, with a somewhat shrewish face; Rush Burgess, suggesting in his manner and air an old-time Virginian statesman, and Lehlbach, were conspicuous figures in the Essex gallery. William Prall, now a distinguished divine in the West, but then a very young man with a very loud voice, took his first flight in pulpit oratory from the Passaic seats. Dr. Chattle was one of the three from Monmouth—one could read in his face the signs that he was a Prohibitionist and a Democrat. Edward S. Savage, a polished lawyer of sedate manner, was among the Middlesex men. Altogether both chambers held enough men of individuality, compass and culture to present the problem in all its varied phases.

The session was a week old before Governor Ludlow laid down his high office to his successor, and in his annual message, submitted to the Houses at their organization meeting, he had paved the way for the work he knew Governor Abbett was to enter upon.

"The question of railroad taxation has risen to be one of the highest consideration, and properly so," he said, in part. "The investment in railroad property in the State is $227,384,534. Taking one consideration with another, it is fair to assume that the rate paid by the railroads would be a proper one if it were assessed upon the full and true value of their property. The trouble is that it is not so levied."

These introductory observations led him into an exhaustive presentation of the issue. It commanded the attention of the two Houses at once, and that part of his message was referred, by a concurrent resolution, to a joint committee, consisting of Senators Griggs and Schenck, Republicans, and Brinkerhoff, Democrat, on behalf of the Senate, and Assemblymen Savage and Neighbour, Democrats, and Armstrong, Republican, on behalf of the House. The committee prepared to make a careful exploration of the whole field, and they set days for argument

by those who, from their positions, were supposed to be best primed with information and suggestions. The railroads were not entirely unrepresented in the committee, nor were their spokesmen overlooked in the extension of invitations. Early in February these appeared to present their side of the question. Senator Sewell was there to urge that the Pennsylvania Railroad paid a larger sum to the State than any other road, and that, in addition, it made Jersey City a gift of $30,000 per year. General Robert F. Stockton defended the Erie. Henry S. Little, the Jersey Central Receiver, urged that his company should not be required to pay taxes on land that it had lifted up out of the river, and ex-Governor Bedle, its counsel, was on hand to say that the company paid taxes through the American Dock and Improvement Company, a corporation of its own creation, in whose name it held its shore-land title. Vice President Gibbon pleaded that the Delaware, Lackawanna and Western, besides a State tax of $140,000, paid $15,000 to the localities where its property was located, of which a pittance of $3,000 to $5,000 only went to Jersey City, and Cortlandt Parker was on hand to say for the New York and Greenwood Lake road that it could not earn its own living even, to say nothing of helping to sustain the community.

A single question put by Senator Griggs to this notable aggregation of special leaders presented the two forces that operated together in the end to produce the settlement that was reached.

"Would your road," he asked of ex-Governor Bedle, "surrender its irrepealable contract of exemption if the State would in her turn surrender her right to take its property at first cost?"

The portly ex-Governor could not answer that question offhand, of course; he would have to consult with the directors first. The House members were not satisfied with the progress made by the Joint Committee. They had a suspicion that the railroads had inspired its creation, and that it not only proposed to make its inquiry exhaustive, but proposed to make it exhausting as well—in the hope of delaying the presentation of an act till it became too late to perfect and pass it. Even the Sen-

ate, traditionally responsive to corporation influences, was restive while the plodding inquiry dragged its slow length along, and exploded its suddenly-acquired anti-monopoly ardor in the passage of a concurrent resolution, with the votes of only Beatty, Gardner and Cranmer in the negative, so amending the State Constitution as to bar corporations that refused to obey the general tax laws from the enjoyment of any further legislation.

In the House the defiant corporations were pelted with bills from all directions.

Mr. Prall and Mr. Cole were the most active in these assaults. Prall handed up a number of bills regulating the taxation of railroads; Cole led off with an attack on the New Jersey Central Railroad under cover of a resolution, demanding to know by what right the State's privilege to take possession of that company's property which had accrued in 1879, had been barred until 1889, and requesting the views of the Attorney-General as to the right of the Legislature of 1864, from which the railroad had secured its ten years of additional grace, to extend it. He followed this up with a bill providing that all property belonging to railroads should be taxed on the same basis and at the same rate as property belonging to individuals, and with a second forbidding the railroads to acquire real estate till they had filed with the Secretary of State a surrender of their exemptions and an agreement to pay taxes at the full local rate. Attorney-General Stockton drew the sting from the inquiry into the Central Railroad's extended time-grant with an opinion declaring that if the company had acted in good faith on the act of 1864, that act itself had become a part of its irrepealable contract with the State.

Governor Abbett was not inactive all this time. He was busy with a number of counselors in the preparation of his own equal-tax act. It was not an easy thing for him to withstand the pressure to which the railroad people subjected him for an abatement of his energies. The Democratic railroad partisans warned him that he would wreck the party if he persisted in his course, while other railroad people who did not appeal to him on partisan grounds told him that his political future

would be as black as that marked out for Ludlow. The Governor met these forebodings with the answer that the party which could carry on the government of the State without making the farmers foot the bill would be impregnable, and that his policy would get votes from the people in spite of all that the corporations might do. And so he went along with the preparation of his bill till he had perfected it and then placed it in Mr. Prall's hands for presentation to the Assembly. The moment it made its appearance on the calendar the Legislature was rent by differences of view as to whether it proposed the most effective method of reaching the point. It was a thoroughly-equal taxation bill; it came to be known through all the subsequent discussions as the Governor's bill, and because the House was Democratic it was enthusiastically for it. The Senate, more amenable to railroad influences, pinned its faith to the less rigorous bill which the Joint Committee was formulating, and which was expected, from the character of the committee, to be more conservative of railroad interests.

The subsequent progress of the deliberations brought the dead-lock between the two Houses into the boldest relief. Jersey City, which would most largely profit by that clause of the Governor's bill subjecting railroad property to taxation at the full rate, sent a delegation of citizens to argue in its behalf before a Committee of the Whole towards the close of February. S. B. Ransom, one of these, insisted that one-fourth of all the assessable property in the State had been taken out of the reach of the tax-gatherer by the railroads, and that, on the assumption that the cost of maintaining the local governments all over the State was $12,000,000, the Commonwealth was practically paying the roads a subsidy of $3,000,000 annually. Charles L. Corbin made an exhaustive argument in favor of the bill; Cortlandt Parker, ex-Secretary Robeson and ex-Governor Bedle were present to make the responses for the corporations.

In spite of the sentiment that backed it in the Assembly, the Governor's act had not climbed up very high on the calendar before the Joint Committee threw its bill into the arena of dis-

cussion. Just as those interested in the conflict had anticipated, it was much more conservative than the one to which the House had given its adhesion. It imposed a tax of one-half of one per cent. upon the franchise for the benefit of the State, and another tax of one per cent. upon the property of the companies, excepting the roadbed, for the aid of the municipalities in which it lay.* The act was simultaneously offered in Senate and House, Mr. Griggs being its sponsor in the upper branch, and Neighbour, of Morris, in the lower branch.

The two Houses addressed themselves to the perfection of the particular bill to which they were disposed. The Senate had set its face against the Governor's bill; the House completely ignored the joint committee's bill. When Neighbour, who led the fight for the railroads, made an attempt to calendar the committee's bill, Mr. Cole met the motion with the demand that the House order the Governor's bill engrossed for third reading. This brought Keasbey of Essex, Savage of Middlesex, and Armstrong of Camden to their feet with obstructive tactics. Keasbey wanted to amend it further, and that could not be done after it had passed the stage of second reading; Savage and Armstrong wanted more time to consider it. The bill was progressed, however, and sent to the engrosser's room to be put in shape for final passage. The other faction insisted upon the Joint Committee's bill being advanced a peg at the same time. It was Cole's turn now to be an obstructionist. The clause exempting the roadbed from taxation was an offense to his anti-monopoly nostrils, and he moved that it be stricken out. The other clause fixing the rate at less than the prevailing local rate was also obnoxious to him, and he demanded the substitution for it of another making the tax rate the same as that on other

* To be more specific, railroad and canal property is assessed under the act as follows: All real and personal property, including franchise, at one-half of one per cent for the use of the State; all real estate, outside of main stem (which is legislated to be the roadbed not exceeding one hundred feet in width and buildings thereon), is subject to an additional assessment for the use of the municipalities in which the property is found, at local rates, but not to exceed one per cent. Personal property and franchises of these corporations are exempt from municipal tax.

property. He carried the House with him in both these assaults upon the Committee's work. Not till the bill had been denuded of all the features that made it different from the Governor's bill was it allowed to go upon the calendar for third reading. North, of Atlantic, was the only one whose vote was cast in the negative.

After the Governor's bill had been passed by the House it was rushed to the Senate for concurrence. The Senate at that time was wrestling with the Joint Committee bill. Two reports had brought it to the calendar for discussion. One of these, the majority report, recommended it without amendment. Senator Brinkerhoff's minority report favored the change of the taxing clause so as to make it an equal-taxation measure. Governor Abbett's bill remained in the pocket of the committee, and never saw daylight in the Senate Chamber.

John W. Griggs.

Gardner, of Atlantic, the able advocate on the floor of railroad interests, was not satisfied even with the majority report. The tax on franchises was not consonant with his ideas. With Griggs standing for the bill, and Brinkerhoff for equal taxation, and Gardner opposing the franchise tax, the struggle became a three-cornered one, and the discussion lasted for three whole days.

The Senate, while the bill was under consideration, gave public hearings to all who desired to appear before it, and it was announced that at one of these hearings ex-Assemblyman Cator

was to speak for the more liberal bill the Governor had devised. The brilliantly-lighted Senate Chamber was crowded to suffocation with an expectant audience at eight o'clock on the evening fixed for this hearing.

Cator, in evening dress, was in beautiful trim for the intellectual struggle he saw before him. His eyes met such notable railroad lawyers as Bedle, Parker and Thomas N. McCarter. When they had finished their pleas, Cator stepped to the middle aisle, and, with an argument in behalf of the Governor's act equally brilliant and eloquent, kept the listening throng in cheers till he stepped out of view at midnight. It was the most masterly and complete presentation of the railroad tax problems to which the agitation had given birth, and as with a deluge swept away all the technical objections that had been interposed by the railroad advocates.

The demonstration was, however, without its effect upon the Senate, which still kept the Governor's measure out of view and proceeded with the consideration of the Joint Committee's bill. When it was on second reading, over a hundred amendments were considered and debated to meet the constitutional objections which lawyers Frederic W. Stevens, Charles L. Corbin and Barker Gummere, who had been consulted about it, thought might possibly be made to it. Governor Abbett's sincerity in pushing for some scheme of legislation that would bring the corporations to the mark, was demonstrated by the aid he gave the act, when he saw that his own would not be accepted by the Senate. Old Senator Ezra Miller, of Bergen, who had made a fortune out of the railroads with his car buffers, was disposed to vote with the ten Senators who were opposed to the imposition of a tax on franchises. If he had allied himself with them, that very essential and important feature of the Joint Committee's tax scheme would have been destroyed, and the value of the scheme as a whole must have been seriously impaired. Even Mr. Griggs gives Governor Abbett the credit of having enrolled the Bergen Senator with the ten who favored the taxation of franchises, and so contributed essentially to making it a part of the law. Wherever the Governor found a Democratic

Senator wavering in the support of the bill in its most stringent shape, he subjected him to the pressure that kept him in line for it. When, after all the amendments had been considered and disposed of, the act was eventually engrossed in practically the shape in which it had come from the Committee's hands, Senators Griggs and Vail sat up all night to compare it, and the next day it went through the Senate by unanimous vote.

The House had now passed Abbett's equal taxation bill; the Senate had committed itself to the Joint Committee's less rigorous measure, and the deadlock between the Houses that was threatened when the agitation began was on. Any eye could see that the Senate would yield no more; it was marveled, indeed, that, in view of the known influence of the railroads in the chamber, it had conceded so much. The only unsolved problem of the agitation was whether the House would yield; it clamored for the Governor's bill, denounced the Senate bill as of railroad inspiration and dictation, and refused to accept it. Chapman declared that he would not vote for such a measure. Harrigan was going to stay all summer, if it were necessary, to get equal taxation.

Edward S. Savage.

Governor Abbett made the attitude of the House the occasion of a new attempt to force the act which he had drawn, out of the Senate committee, which was holding it back. He finally threatened to withhold his signature from a host of appropriation bills in which Senators were interested until a revenue bill had been

passed. But the Senators were not daunted, and they held their ground firmly. The certainty that unless there were concessions on the part of the House no bill at all would be passed, worked a gradual change of sentiment among its members. Burgess suggested that a compromise was better than failure; Lehlbach said something about half a loaf; Savage made the point that even the Senate bill would increase the State's revenue by about $300,000 a year, and Cole himself finally acknowledged that a little was better than nothing. And so the House eventually gave an unwilling assent to the Joint Committee's measure, while it directed the Clerk to enter on his minutes its formal protest against the Senate's refusal to aid it in securing the passing of a "genuine equal taxation bill."

The act made the system of taxation operative by authorizing the Governor to appoint a State Board of Assessors to ascertain values and supervise the collection of the railroad moneys. As the bill was the product of Houses politically divided, it required that this board of four members should be non-partisan; and, that the railroads should not be entirely voiceless in the selection of the men, it forbade the Governor to commission them without the consent of the Senate. One of the nominations—that of William H. Jackson, of Passaic county—sent by the Governor to the Senate was not agreeable to Senator Griggs, and the name of Allan L. McDermott, which was in the list, aroused the pugnacity of all the railroad Senators. It was a particular objection to him that he was especially close to Governor Abbett. Because of the fervor with which he had espoused the cause of equal taxation he was denounced as an Anarchist. Senate President Vail arose in his place when McDermott's name was under consideration to announce that he had a letter in his hand from a particularly distinguished Jersey City lawyer, declaring McDermott to be utterly unfitted for the position.

"And I," said Senator Brinkerhoff, "have another letter from an equally distinguished lawyer in Jersey City, declaring McDermott to be just the man for the place. If the Senator from Union will tell me what name is at the bottom of the letter

which he has received, we'll exchange confidences, and I will give him the name of the writer of the letter I hold."

"Well, the letter I have bears the signature of Charles L. Corbin, of Jersey City," Youngblood answered.

"And the letter I have," rejoined the astonished Brinkerhoff, "is signed by Charles L. Corbin, of Jersey City, too."

The Senate confirmed Edward Bettle, of Camden, and ex-Sheriff A. M. Reynolds, whose names had been sent into the Senate at the same time, but rejected McDermott, and, at the instance of Senator Griggs, Jackson as well. The Governor submitted the name of ex-United States Senator Alexander G. Cattell, of Camden, in place of Jackson's, but renominated McDermott. Cattell was confirmed at once; but, while the confirmation of McDermott was pending, the hour fixed for the close of the session arrived, and President Vail arbitrarily adjourned the Senate, without waiting for the formality of a motion. The Senators had not escaped from the State House, however, before they were served with a notice from the Governor calling them into extra session. McDermott's name was passed by them at this special sitting, and the new board was thus made complete for organization and business.

Arrayed against himself by the two warring Senators and accused of carrying two faces, because of the varying constructions that had been put upon his letters, Counselor Corbin felt it necessary to explain things, and a few days later he published a circular letter that was read with much interest at the time.

To use a lawyer's phrase, it was in the words and figures that follow, to wit:

My action with reference to the confirmation of one of the State Assessors having been publicly misrepresented, I make this statement of the facts, which I shall print for convenient circulation among my acquaintances.

On the 21st of April I wrote a letter to Senator Vail and another to Senator Brinkerhoff, to further the confirmation of Mr. McDermott as a Railroad Assessor. I have not been able to get a copy of my letter to Senator Brinkerhoff, which he left on the table of the Secretary of the Senate. As I remember it, I urged the importance of having one working lawyer on the board, and concluded by saying:

"As to Mr. McDermott's integrity, I know of no ground for questioning it beyond the fact that he is a strong Democrat."

The letter to Senator Vail was suggested by his statement, reported to me, that he opposed McDermott as a corrupt man. It was, as it shows by its terms, a personal letter, written with that carelessness and freedom which I supposed our friendly relations would warrant; but I do not see how anyone can find in it any ground to represent me as opposing the confirmation of Mr. McDermott, or how anyone could misunderstand my intention to promote it.

I have obtained from Senator Vail the following copy of my letter:

"JERSEY CITY, April 21st, 1894.

"*Dear Senator Vail:*

"I want to say in regard to McDermott's appointment, that I think it is a mistake to regard him as a corrupt man. He is a scheming politician, given to 'deals,' and 'combinations' and 'bargains' to forward political ends and personal ambition, but I do not think that as an Assessor he would be open to a bribe in any form. I think he would be a better Assessor than any one of the three already confirmed, because more competent.

"Yours truly,

"C. L. CORBIN."

My opinion that McDermott was more competent than the other Assessors was founded simply on the fact that he is a lawyer. The Assessors will have legal questions to decide at every step. In fact this board is a court, and gives judgments which are subject to be reviewed by the Supreme Court.

The morning after the confirmation of Mr. McDermott, there was published in the New York Tribune and other papers a statement representing in effect that I had written letters on both sides of the controversy over the confirmation, and that my duplicity had been exposed in the Senate. On inquiry, I learned that such an impression had undoubtedly been created in the Senate by quotations made by Senator Vail from my letter without producing it, and that he had permitted the impression to stand uncorrected.

I sent at once the following correction to the Tribune and other papers:

"In the Tribune this morning I am represented as having written to one New Jersey State Senator opposing, and to another recommending, the confirmation of Mr. McDermott as State Assessor of Railroads in New Jersey. This is without foundation. To both Senators I wrote urging his confirmation. To Senator Vail, who had declared him to be corrupt, I wrote saying that though Mr. McDermott was a politician and given to 'deals,' 'combinations' and 'bargains,' he was not a corrupt man and was a competent man for the office. To Senator Vail and my other Republican friends in the New Jersey State Senate who declare that a man who makes 'deals' must be corrupt, I have to say: Let him who is without this sin among you cast the first stone at McDermott.

"April 23d, 1894. CHARLES L. CORBIN."

I do not pretend to be in the humor to pay Senator Vail any compliments, but as I am trying to be as candid as possible, I feel bound to say, in view of my hasty scriptural fling at him, that I believe that his motives and those of other Senators in opposing the confirmation were in the main good, and that his reputation as a conscientious public man is merited.

I add the following letter, received from Senator Vail, in response to my request to send me my letter or a copy of it:

"RAHWAY, N. J., April 25th, 1894.

"MY DEAR SIR—Your letter dated April 22d reached me only this morning. I return you letter of April 21st as requested. In opposing McDermott's confirmation in executive session, I said that 'I had that morning received a letter from a prominent lawyer of Jersey City in which he said that he thought it was a mistake to say that McD. was a corrupt man, but that he would make any deal or bargain for political ends and personal ambition,' and I added, that 'to my mind that was a proper definition of a corrupt man.'

"I felt that my remarks were justified by your letter, but I did not intend to use your name, and should not have done so had not Brinkerhoff's action compelled me to. I would like to have your letter returned to me unless you object.

"Yrs. very truly,

"B. A. VAIL.

"Mr. C. L. Corbin.

"P. S.—Since writing this letter I have seen your card, published in 'The Argus.' You will pardon me, therefore, for retaining the original and sending you the copy.

"Yours truly,

"V."

On this letter I make only this comment, the justice of which, I think, is manifest—that, after having stated part of my letter, and thereby created a false impression of duplicity, Senator Vail should have corrected it by stating the rest.

The following correspondence with Senator Youngblood will explain itself. I freely pardon his impertinence, in consideration of his candor:

"MORRISTOWN, April 23d, 1884.

"DEAR SIR—Accept my congratulations on your success as a straddler. One kind of a letter to Senator Brinkerhoff and another kind to Senator Vail shows that it is hardly safe to rely upon you for advice or suggestion on matters pertaining to the public welfare.

"Would it not be well, in order to place yourself right before the public, to have the two letters published?

"Yours very truly,

"Charles L. Corbin, Esq. JAS C. YOUNGBLOOD."

"JERSEY CITY, April 24th, 1884.

"*Hon. James C. Youngblood:*

"DEAR SIR—Do you really believe that I wrote one letter to Vail opposing, and another to Brinkerhoff supporting, the nomination of McDermott? If so, on what ground do you base that belief?

"I do not understand the action of yourself and others, including those in the Senate on whom I place most reliance. You say that the nomination of McDermott was part of a bargain between the Governor and the railroads. Assuming it to be so, what did you do? You ratified those parts of the bargain that profited the railroads, and reserved your objections for that part which promised some advantage to the taxpayers.

"I know McDermott well. He is a Democratic politician. He is no civil service reformer, neither are his political associates in New Jersey. He gets and gives political appointments by 'combinations,' as many politicians of both parties unfortunately do. But his personal integrity has never, so far as I know, been justly questioned. That is, as a judge he does not sell justice, as a city officer he does not defraud the city, and as an Assessor there is no reason to suppose that he would be corrupt in the discharge of his official duties. That was the important question for the Senate, as I supposed, and on that point, and on his competency, I give evidence.

"In my private letter to Senator Vail I discussed McDermott's character with more freedom and detail than in the one to Brinkerhoff, which I authorized him to use, but in both I urged McDermott's confirmation, and I am surprised that Senator Vail should have allowed a different impression to prevail.

"Yours truly,

"C. L. CORBIN."

"This completes the history of my experience in the matter of political patronage up to date, and I trust for all time.

"Now that I have the floor, I will improve the occasion by some comments on the appointments. It was represented by Senators who ought to know that one or more of the Assessors received appointment and confirmation as 'representing' the Pennsylvania Railroad Company. It seems to have been conceded that the company was entitled to be 'represented.' The law contemplates judicial impartiality on the part of the Assessors, and provides that they shall not be interested in any railroad company. The first act under the new law was therefore in violation of its spirit. A railroad company claiming to name its own Assessors! Look at the imprudence of it. A litigant might as well claim to be 'represented' on the jury that tries his case. The Pennsylvania Railroad Company will next ask to be 'represented' in the Court of Chancery and Supreme Court.

"And now, it is said, the Erie complain that they have been cheated out of a 'representative!' Where do the people of New Jersey come in? Some very queer ideas seem to have found lodgment in New Jersey politics under railroad government.

"Now, I do not say that these Assessors will favor any railroad company. They may be all the more scrupulous because of the suspicions attending their appointment. To say of an Assessor that he takes the office for the express purpose of exercising his judicial powers with favor to a particular company, or with partiality to railroads generally, is to make a graver charge against him than any that has been brought against McDermott.

"The work of the Assessors will be subjected to a public scrutiny such as no Assessors in New Jersey ever had to undergo before. The means of testing its uprightness are open to us all in the daily quotations of the Stock Exchange. The Assessors must be treated fairly and judged by their work.

"April 28th, 1884. CHARLES L. CORBIN."

Cattell and Bettle were both Pennsylvania Railroad men, and these concessions to it only served to embitter the Jersey Central people, who were implacably hostile to the act anyhow. The Jersey Central Company flew to the courts for refuge. It had the act removed on *certiorari* to the Supreme Court for review. Its claims were that, applying only to railroad corporations, the legislation was for a particuler interest, special, and therefore unconstitutional, and that the values fixed upon its franchise and property by the State Board of Assessors were excessive. The Pennsylvania Railroad Company and the Erie accepted the act to the extent at any rate of paying their taxes for that year as fixed by the Board, into the State treasury, upon the under-

standing that if the Central Railroad Company's litigation prevailed the moneys should be repaid to them.

A notable array of lawyers appeared in court to prosecute and defend the Central's test suit. Ex-Judge William T. Hoffman, an eloquent Englishtown barrister, who had served seven years on the bench of the Hudson county court, and a conspicuous Republican leader; Allan L. McDermott, of Jersey City, and William S. Gummere, of Trenton, assisted Attorney-General Stockton in defending the work of the State Board and the legality of the act. The keen, shrewd, insinuating and oily Benjamin Williamson, vigorous in spite of his advanced years; William S. Keracher, noted as the man who had sent a band of Molly Maguires from the Pennsylvania coal mines to the gallows, and Robert W. De Forest, appeared for the railroads. Volumes of testimony were taken before Supreme Court Commissioner George W. Cassedy, and every item of railroad property was made the object of minute inquiry as to cost and value. The case was argued in the Supreme Court at the November Term of 1885.

William T. Hoffman.

In the February following (1886), the State was thrown into confusion by the reading of Chief Justice Beasley's opinion, declaring the act unconstitutional and inoperative. The confusion sprang from the fact that the decision not only left the State without a source of revenue for the next fiscal year, but also subjected it to the necessity of repaying to the railroads the

moneys they had conditionally paid. They abstained, however, from making any demand upon the State, and the Pennsylvania Railroad Company even advanced the amount of its tax bill for the next year, agreeing to await the determination of the Court of Errors and Appeals, to which the Chief Justice's decision was taken for review. When the Chief Justice's adverse opinion was read, Governor Abbett found some comfort in giving Senator Griggs credit for the defeated legislation, and insisting that if his own bill had been put through it would not have been so easily overturned. The appeal was heard by the higher court at its next sitting, and a few months later Chief Justice Beasley's opinion was overruled, and the act maintained. It was now Senator Griggs' turn to laugh, and he insisted that if it had been Governor Abbett's bill that the court had been asked to maintain, the result would have been different.

The Legislature of 1887 was compelled to return to the consideration of the Railroad Tax laws. The Delaware, Lackawanna and Western Railroad Company was still in open rebellion against the sovereignty of the State and had absolutely refused to render obedience to the new act. It was the only one of the trunk lines crossing the State that refused to pay the taxes under it. It claimed that a decision of the United States Supreme Court, declaring the clause in its old charter exempting it from State and local taxation to be a contract between itself and the State which the Legislature could not repeal, protected it forever against any effort on the part of the State to force it to the payment of taxes. The Morris and Essex Railroad, which had now become the property of the Delaware, Lackawanna and Western by perpetual lease, was one of the railroad companies that had secured its franchise from one of the Legislatures of the early thirties, when the State was ready to make any concessions demanded to tempt enterprises that would assist in her development; and, in dealing with its promoters, as with the promoters of other railroads, she had helped it to its feet by exempting it from all taxation for the first thirty years of its existence, and thereafter from all but a trifling transit duty. The Legislature had no idea at the time that it could not at any

future day modify these liberal and helpful concessions; the railroad companies' point that the tax exemptions were of the vital conditions upon which they had built their roads, and that therefore their charters were in the nature of irrepealable contracts, was a surprise. The State courts had overruled this point and held railroad property to be as subject to the taxing powers as every other class of property. The Morris and Essex carried the finding into the United States Supreme Court, and there the final judgment sustaining its irrepealable contract claim that now made it so arrogantly defiant of the taxing powers of the State had been rendered.

In granting its franchise, however, the State had happily reserved an option to condemn at the end of fifty years, which now proved the weak point in the company's armor. The year when, under this reservation, the State could take possession of the company's property at its first cost, was close at hand, and Governor Abbett used it as a weapon with enormous effect in bringing the railroad company to terms. William H. Corbin, who, representing one of the Union districts, led the battle against the company in the Assembly, sprang even a finer technical point upon it when he discovered that the United States court decision declared only that clause in its charter which exempted it from taxation to be irrepealable. The rest of its charter was plainly within the compass of legislative action; the State had not lost the right to repeal every other section of it. Mr. Corbin began his attack on the road on that line, when in 1885 it first evinced a disposition to beard the State authorities.

Its continued defiance of the State's sovereignty led the Governor, in his annual message at the opening of the session of 1886, to advise the passage of an act forbidding any foreign corporation to exercise any corporate act in the State until it had filed with the State Comptroller its consent to pay taxes as a domestic corporation. The Delaware, Lackawanna and Western Railroad Company, which had absorbed the Morris and Essex, derived its charter from the State of Pennsylvania, and the suggestion of the Governor's message was intended to

cripple it in the transaction of its business over its leased lines in New Jersey. In the midst of these movements, rumors gained currency that the company had not even paid into the State treasury the whole of the pittance which, by its own admissions, the State could exact from it under its charter. The State's tax-bills had been computed on the basis of the company's own returns to the State of its taxable assets; and, while the session of 1886 was still young, a joint resolution was offered ordering that an investigation be made into the accuracy —the honesty, if you please—of these returns. Assemblyman Corbin went to the aid of the resolution, and Hudspeth and Besson joined with him. Pintard, of Monmouth, who described it as an inquisition, made a weak opposition. The courage of the Legislature was not equal to the emergency, and the resolution was lost by a tie vote.

George O. Vanderbilt.

The interposition of the trial, in impeachment proceedings, of a State Prison Keeper on charges preferred by some of the women in his keeping, diverted the attention of the Senate from the pending controversy, and gave the combatants a breathing spell. Neither the charge nor the hearing based upon it was of a character to be detailed in these pages. As it had not the remotest relation to the current of public movements or the smallest influence upon them, it is as unnecessary, as it would be offensive, to go over the miserable details of the case. It was said that the charge had been instigated by reckless party malice, and when the Senators came to declare their verdict their sentiment was divided by the

party line. Ten of the Democratic Senators found the accused official not guilty; the ten Republican Senators voted him guilty. It lay with Senator Vanderbilt, of Mercer, to break the tie. His vote with the Republicans sent the official out into the world branded with an infamy that could never be wiped out. The condemned man was a factional friend of Governor Abbett, and he had availed himself of the opportunities his residence in Trenton afforded him to conduct Abbett's battle with the old State House regime in their stronghold of Mercer. Vanderbilt was in sympathy with Abbett's party opponents, and he was freely criticised, after his vote, as having allowed his factional animosities to sway his judgment in weighing up his verdict.

Friend as he had been counted of the impeached official, Governor Abbett stretched out no hand to save him, nor gave any attention to the trial. He was rather engrossed by the struggle over the enforcement of the Tax act against the recalcitrant railroad company. Legislative functions were suspended, and the House was forced to a recess while the impeachment proceedings dragged their weary length along, and the Governor busied himself in planning a new line of attack upon the corporation.

The Delaware, Lackawanna and Western Railroad Company had been engaged, for some time prior to the passage of the act, in a litigation over the tax-bills due the State under the old exemption laws; and it transpired during the course of the litigation that, in making return to the State of the taxable assets of its leased road, the Morris and Essex, it had scaled down the value of its personal property and equipments from $13,000,000 to $3,000,000. And in a special message, read when the Legislature came together again in June, Governor Abbett made the startling charge that, by thus hiding some of its ratables, the company had, for each of twenty years, paid to the State $50,000 less of taxes than the State had a right to receive and that it was in arrears to the amount of a round million of dollars.

When the message had been received a discussion arose as to the department to which it should be referred for investigation. Hudspeth asked its reference to a special committee of three,

but Mr. Corbin's motion carried it into Committee of the Whole. There Mr. Corbin made the chief speech in favor of his motion to refer the claim to the Attorney-General for prosecution; but Armstrong raised the point that that method of treating the matter had already been disposed of in the House, and Assemblyman A. F. R. Martin, of Essex, who was in the chair, sustained the point. The House finally decided to advance a bill, offered by Besson, referring the whole matter to the State Board of Assessors, and the bill was passed by a vote of 42 to 9. When it reached the Senate, Youngblood tried to amend it, but Senators Brinkerhoff and Fish opposed the amendment, and the bill was passed without a dissenting voice. That brought the two-days' special session to its close.

The State Board of Assessors found the company wholly unmanageable, and the Legislature of 1887 returned to the charge upon it, with Assemblyman William H. Corbin, of Union, in command and an air that meant business. He marshaled the lines for the support of an act drawn by Governor Abbett and introduced by Assemblyman Thomas F. Noonan, of Hudson, authorizing the State officials to proceed to the condemnation of the railroad company's property, with the view of taking it out of the hands of its stockholders. Assemblyman Corbin gave assurances that the State had made an offer to the company that if it would surrender its tax exemptions and submit to the tax laws, the State would, for her part, surrender her right to repeal its charter. The proposition, Mr. Corbin said, had stood for a year unaccepted; the company had even refused to consider it. These announcements aroused so evident a determination on the part of the Legislature to resort to confiscation that the company became alarmed, and it sent ex-Governor Bedle, its chief counsel, to Trenton to plead for mercy. Governor Bedle made a three-days' speech from the Speaker's desk in its behalf before the House, in Committee of the Whole, and Mr. Cator and Mr. Corbin answered him.

"It will not do to divert attention from the real object of this bill," Mr. Corbin said in one part of his speech, "by pointing to small private interests when we have so big a subject to act

upon. The question is whether we are men enough, whether we are broad enough of view, whether there is enough of the suggestion of statesmen about us to enable us to rise to the plane of this legislation, and to assert the power of the State over all property within its boundaries. It is as clear as light that, in the nature of things, you cannot make with the sovereign power an unchangeable contract; and yet this railroad company demand that we shall forever exempt them from taxes because by an unfortunate train of circumstances the exemption the State extended as a beneficence, has been forced upon her as a contract.

William H. Corbin.

The State has adopted a policy which has remained in force for fifty years, of such liberality and generosity towards the railroads as almost defies example. I do not know the State in which there has been anything like it. The only instances which at all compare with it are the instances of the general government making railroad grants for the purpose of building Western roads. And what have we received in return for it all? We have built up the railroads of the State, and now when they have grown to the stature of giants, we find this one ready to throttle us. And this leads me to say that we have been generous not only with our own creatures, but with the creatures of our sister States. It is not the old Jersey corporations that make this trouble. It is only when we have fostered the corporations of other States that we find these contracts forced to the front and fastened upon us with all the power their great capital gives them. It is the Delaware, Lackawanna and West-

ern Railroad, a corporation of Pennsylvania, that is to day attempting to take advantage of the generosity extended to a feeble home corporation that planned to run a little railroad from Morristown to Newark fifty years ago."

Such arguments as these spurred the Assembly to the performance of its full duty, and the members were almost unanimously favorable to the bill. Assemblyman Armstrong, of Camden, was yet anxious to give the company until May 20th to pay its taxes, with the penalty of being dispossessed of its property on June 1st for non-compliance, and he moved an amendment of that scope. Assemblyman Hudspeth feared that any amendment of the bill might cripple it, and the proposition was not at that time entertained. But at a subsequent meeting Mr. Corbin himself tacked on an amendment providing that if the company before June 1st filed a waiver of its special contract of exemption the confiscating act should not go into effect. These measures brought the defiant corporation to its knees before the close of the week, and it eagerly opened up negotiations with the State.

The first proposition was to exchange its tax exemptions for the State's right to take its property, but Governor Green, who took up the battle where Governor Abbett had dropped it, exacted more. It was not enough that it should agree to pay its taxes under the act of 1884; it must also settle the arrearages to which Governor Abbett's special message of 1886 had called attention. The company made a wry face at this new penalty; but, confronted by the danger of the loss of its property, had nothing to do but yield, and on March 16th Governor Green notified the Legislature that the company would pay its taxes for 1885 and 1886 without any further dispute, and submit the State's claim for the twenty years of arrearages to the arbitration of two men, to be selected, one by itself and the other by the State.

The State named Frederic W. Stevens, a Newark lawyer of wide reputation in Chancery matters, as the arbitrator on its side, and the railroad company named John F. Dillon, a noted New York railroad lawyer, on its side. The books of the com-

pany were subjected to the most careful scrutiny covering the twenty years for which arrearage moneys were claimed, and months were spent in the taking of testimony. After the case had been submitted on both sides, the arbitrators made fruitless attempts to agree, and it was at one time feared that all the work and money put upon the case would go for nothing. Both were put under pressure, however, and in the end they reported that there was a deficiency of a trifle over $300,000 in the company's twenty years' payments. The State was inclined to believe that Mr. Dillon had overreached Stevens in bringing about this agreement, and even after it had been reached, there was a disposition to decline the settlement. The compromise was accepted, however; the money was paid over; the company settled its bills in accordance with the Tax laws, and the last of the monopoly-claiming corporations surrendered its irrepealable exemptions and bowed to the authority of the Commonwealth.

This final acceptance, all around, of the new Tax act, practically marked the end of the equal tax agitation, and there is ground for the contention that, when the inquisitorial prerogatives of the State's taxing officers in hunting out the taxable assets of the railroads, is taken into account on the one hand, and the notorious ease with which the taxable personal property of the individual taxpayer is hidden from the view of the tax-gatherer is taken into account on the other hand, there is substantial equality in the distribution of the public tax burden between the two classes of taxpayers. The railroads pay a smaller rate on all they own; the individual taxpayer pays a higher rate on less than he owns.*

The meteoric Cator dropped out of sight, in a large degree, with the close of the agitation that called him to the scene of action. In spite of his brilliancy and eloquence, he had made an erratic record in the Legislature and before the people. Just as, after having posed as an uncompromising anti-monopolist, he had risen from his sick-bed to assist in the passage of a Jersey Central Railroad bill, so he had allied himself with the Prohibitionists before an election, only to clamor for free rum

*See Appendix B.

from his seat in the Assembly. A free-thinker one day, he was heard of the next as a figure in Methodist experience meetings. He blew hot and blew cold in everything, and shifted his pose like a weather-cock, at every turn of the wind.

The last view his admiring neighbors in Jersey City had of him in political life was quite as dramatic as the first view had been. The Republicans nominated him for a seat in the Board of Aldermen. The Democrats indorsed him, the Anti-Monopoly League declared for him, the Prohibitionists wheeled in line for him, and he started out with six nominations and with apparently what the politicians would call a "walk-over." Two nights before election a little handful of his enemies met in conference and decided to put Max Salinger in the field as a candidate against him. Mr. Salinger went into the fight without a nomination of any kind, and was further handicapped by his inability to even so much as make his candidacy publicly known till the evening before election day. To the surprise of everybody, the count of the vote showed that he had beaten Cator, six nominations and all, by an overwhelming majority.

Mr. Cator subsequently removed to San Francisco, where he engaged in the practice of the law. His wife and himself recognized the incompatibility of their tempers, and an amicable separation between them left Mr. Cator free to sue for the hand of a millionaire widow, whom he subsequently married. He engaged actively in politics, warmly espoused the cause of the laboring-man, and quickly made himself one of the most commanding figures on the Pacific coast. Twice he was within an ace of being sent to represent California in the United States Senate, and at this writing there were signs that he might become a Populist candidate for President of the United States.

CHAPTER XXI.

WHICH, AFTER REFERRING TO A FIERY VISITATION THAT GAVE NEWARK HOPE OF BECOMING THE STATE CAPITAL, SHOWS WHY MR. KELSEY DIDN'T HELP BLODGETT REACH THE GOVERNORSHIP AFTER ALL.

DO not imagine now that because in the tracing of the story of the memorable battle for railroad taxation, we have spanned the years between 1884 and 1887, nothing else of account transpired. The period was, on the contrary, marked by some unusual excitements; and it will be necessary to go back again a year or two to get a view of them. The campaign of the fall of 1884 was that in which Grover Cleveland was first elected to the Presidency of the United States. Though, speaking generally, it was a good Democratic year, the Republicans succeeded in gaining control of both Houses of the Legislature. The majority in the Senate, however, was a narrow one, with a single vote in favor of the Republicans. The caucus plan was to elect Senator Griggs, of Passaic, to the Presidency, but Abram V. Schenck, of Middlesex, was ambitious for the honor; and Youngblood, who was disaffected towards Griggs, joined with the Democrats and put the elderly Middlesex Senator in the chair for the session.

The Republican press denounced both Youngblood and Schenck for having refused to abide the issue of the caucus, and charged that Mr. Schenck had entered into a deal with the Governor by which, in return for the Democratic support that had given him his position, he was to assist the Democrats in confirming the Governor's nominees for State offices. This explanation of Mr. Schenck's election was in a measure discounted by the fact that the relations between Mr. Youngblood and Governor Abbett had been badly strained for some time past, and

Youngblood had in the Senate the year before even accused the Governor of having insulted him. The presence of Mr. Schenck in the chair was a constant source of irritation to the Republicans, and there was much friction between his friends and Mr. Griggs's friends all through the session.

The majority in the House was much stronger, and E. Ambler Armstrong was made Speaker.

The Republican plan was to denude the Governor of as many of his appointing prerogatives as could be taken from him, and to vest the joint meeting, which was Republican, with them. Some of their partisan bills went through both Houses without much trouble, but the unfavorable attitude of President Schenck prevented the passage of the more aggressive of them.

A notable feature of the session was the attempt of the Baltimore and Ohio Railroad Company to secure legislation looking towards the construction of a bridge over the Kill von Kull. The company had arranged to run its trains over the kills to Staten Island, and complete its connection with New York by ferry from the island. The State made opposition to the scheme and the bill the company had prepared failed of adoption.

Just as the Houses were getting ready to adjourn for the session all the front part of the capitol building was destroyed by fire, and the incident projected an unexpected discussion as to the location of the State Capital. Assemblyman Keasbey, son of United States District Attorney Keasbey, who then represented one of the Essex county districts in the Chamber, made the fire the pretext for the introduction of a bill naming Newark as the capital city of the State, and a fierce strife was waged for many weeks over its acceptance or rejection. The Trenton folks would not, of course, listen to a proposition for a change calculated to rob their city of its only distinction, while Newark, as the most populous, enterprising and central city in the State, made a strong pull in its own behalf. At a public meeting held in Newark Senator Fish, ex-Judge J. Frank Fort, Harrison Van Duyne, Assemblyman R. Wayne Parker, Cortlandt Parker, ex-Congressman George A. Halsey, Robert H. Ballantine, William Clark, Theodore Macknett, Edward Balbach, Jr., Thomas

B. Peddie, Elisha B. Gaddis, Gardner R. Colby, George J. Ferry, James Smith, Jr., John Blake, George B. Jenkinson and James W. Miller were appointed a committee to urge Newark's claims upon the Legislature. The committee was a strong and representative one. Elisha B. Gaddis was a wholesale grocer of large wealth, and a big factor among the Republicans of Essex county. Ballantine was a millionaire brewer. Clark was of the great cotton-spinning firm of world-wide reputation. Balbach was one of the chief gold refiners in the country, of enough importance politically to be a Democratic nominee for Congress. Smith was just starting out for the United States Senate. Ferry was a conspicuous worker in the Methodist church, and afterwards Mayor of Orange for many years. Colby, an East Orange magnate, had been talked of as a gubernatorial possibility. Peddie and Blake had been Members of Congress, and Jenkinson was a successful business man of Newark.

The movement was weakened, however, by the understanding that ex-Secretary Frelinghuysen and ex-Sheriff William Wright and some other equally well-known Newark residents were opposed to it. Cortlandt Parker finally declined to serve on the committee. Mr. Smith threw cold water on the project by expressing his doubt as to the ability of the city, because of her financial condition at that time, to contribute as she ought to the expense that the change would entail upon her. The support eventually simmered down to Senator Fish and Judge Fort, who were looked upon as its only busy promoters.

When Mr. Keasbey's bill made its re-appearance in the House from the mill of the committee, under rather unfavorable circumstances, Chairman Jewett and the majority of the committee reported it adversely. Keasbey tried to save it with a minority report. The inimitable Harrigan made a droll speech that pleased Keasbey and the House, and succeeded finally in getting it upon the calendar. When it came up for second reading its chances were again jeopardized by the attempt of a lot of other cities to secure recognition. Mr. Corbin, of Union, did not see why Elizabeth should be slighted, and he wanted it amended so that the commission named in the bill might be left free to select

either Newark or Elizabeth. One of the conditions of removal laid down in a companion bill was that the new capital city, if a change were made, should contribute $500,000 towards the new State House, which afforded Mr. Caminade, of Trenton, an opportunity to make cruel sport of Elizabeth's bankruptcy. He wanted to know of Corbin "where Elizabeth would get that $500,000," and expressed his doubts as to her ability to raise $500. Assemblyman Wayne Parker made a beautiful extemporaneous speech in Newark's behalf during the progress of the discussion, and Franklin Murphy, another of the bright members of the Essex delegation, made another speech of the same tenor. It met the opposition of rollicking "Ben" Braker, of Camden, and of William H. Grant, of Monmouth; and Caminade made a fiery speech against it, and it was defeated by a vote of 27 to 25.

Trenton drew a long sigh of relief, and prepared to put on the saved State building the handsome front that now adorns it, while the people of the State prepared to select a new master for it.

The canvass of 1886 brought the State House managers and Governor Abbett's wing of the party into conflict for the last time. It was specially notable from the political standpoint because it resulted in strained relations between Secretary of State Kelsey and ex-Senator Henry S. Little, who were the surviving lights of the State House autocracy. The passage and enforcement of the new railroad tax law had embittered the railroad men in the party against Governor Abbett and his friends, and there was a very natural desire on the part of some of the railroads whose tax-bills had been largely increased to overthrow the act. Mr. Abbett's term as Governor was to expire in the following January, and there was opportunity in the naming of his successor for them to secure a powerful friend at court; and, as the Jersey Central Railroad had been particularly conspicuous in contesting the act, it seemed to be meet and proper to them that the political opposition to the Tax Act should be reflected in the choice of a Jersey Central official or one in sympathy with the Jersey Central interests, for Governor.

Rufus Blodgett, the Superintendent of the New York and Long Branch Railroad, which was one of the Jersey Central's branches, had, while in the Assembly, won a reputation for himself as an even-headed public man with some shrewdness as a politician. During his first year of service as the member from Ocean (Blodgett served in 1878, 1879 and 1880), he had commended himself to Mr. Kelsey by shielding him from persecution under cover of an investigation which some of Mr. Kelsey's factional enemies had set on foot against him. After his three years' service in the Assembly, he had come within an ace of carrying the Republican county of Ocean for the Democrats as their candidate for State Senator. Altogether he was looked upon as meeting the requirements as the railroad candidate for the Democratic nomination for the Governorship, and a strong combination was made to put him at the head of the ticket.

His friends realized that they had made a good stroke for him when they secured Mr. Kelsey's promise to assist them. Mr. Kelsey's term as Secretary of State was about to expire, and he was anxious to be re-appointed. Senator McPherson, who was certain to be a decisive factor in selecting the nominee if the other faction of the party were allowed to control the convention, was his old-time enemy. Mr. Kelsey had recently given him fresh occasion for ill-feeling by making known the substance of a conversation between the Senator and General Sewell, which an eavesdropper in a Philadelphia hotel claimed to have overheard. Its publication right on the eve of the gubernatorial convention was made with the evident purpose of destroying Senator McPherson's influence in the party and preventing him from naming the new gubernatorial candidate.

Mr. McPherson's friends had held a conference at some place in New York, and had agreed upon Robert S. Green, of Elizabeth, who, as a candidate for Congress, had recovered the Third district for the Democrats, after Miles Ross, in spite of his commanding position as leader there, had been defeated by John Kean, Jr. Mr. Kelsey took it for granted that if Green were nominated through Senator McPherson's influence, he would also, through Senator McPherson's influence, decline to renomi-

nate him as Secretary of State, and he was quite ready to join hands with Blodgett in a contest against Green. Mr. Kelsey had never gone into a battle without the aid and countenance of ex-Senator Little, and he sought that gentleman at his home in Matawan and urged him to assist in the fight. Having gone out of the State House, and regarding himself as measurably out of politics, Mr. Little was not disposed to take any part in the controversy, but Mr. Kelsey argued the point eloquently, and finally persuaded him not only to aid with his influence but also to contribute his check for $5,000 to the success of the anti-Green crusade. The rivalry between the two factions was so strong and every inch of ground was so bitterly contested, that both were willing to see the State convention deferred till the latest possible moment; and neither side objected when the State Committee fixed a day toward the close of September for its assembling.

When the delegates reached Trenton, on the night before the designated day, Green's friends were more than discomfited to see that Blodgett's nomination would be the likely outcome of their deliberations. Senator McPherson, Governor Abbett, Miles Ross and ex-Congressman Pidcock were on hand straining every nerve to destroy the railroad man's lead, but all their work seemed to make no impression. There was but one way to compass his defeat—that was by placing an enemy of Blodgett in the chair at convention hall—one who had the skill, the nerve and the courage to hold it at bay, as Abbett had held the Cleveland Convention at bay, till it gave up its battle against his stronger will.

Where was this dauntless man to be found? And how was he to be placed over the convention? It was the province of the State Committee to name the temporary officers of the convention, and the State Committee was, to a large extent, still at the service of the old State House managers. Blodgett himself was its head. It looked like a hopeless struggle; but noses were carefully counted, and in the privacy of the committee's meeting-room the two factions locked horns for the decisive engagement of the campaign. The Green contingent went to the

front with a demand for the selection of Allan L. McDermott for the fateful chairmanship. The Blodgett wing urged the selection of Mr. Blodgett himself. Perhaps they hoped to see the delegates surge at his feet as they had once seen them cluster at Abbett's. On the vote there was a tie, with Samuel T. Smith, the committeeman from Sussex, absent. Inquiries for Smith aroused inquiries for Mr. Kelsey, because Kelsey was the controlling factor in Sussex and Smith owed his seat on the committee to his influence. But no one could find Mr. Kelsey. Where was he? And why hadn't he made sure of Smith's presence at a gathering where his vote was of such importance in a campaign of Mr. Kelsey's own inspiration?

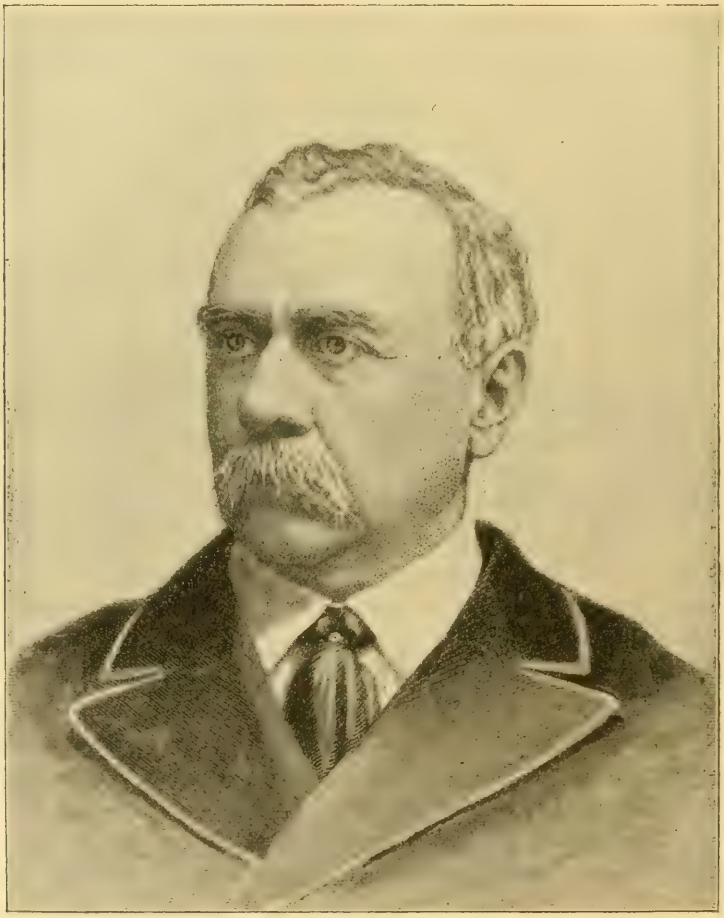
No one knew. The town was scoured for him; all the couriers came back panting and perspiring, but without tidings. Mr. Little, who would never have gone into the canvass but for his associate's persuasive tongue, was in an especially anxious frame of mind. He hastened with rising choler from one to the other of Mr. Kelsey's haunts, but in none had the much-sought Secretary been seen. The free use of the wire brought information, however, that the missing committeeman was still at his home in distant Sussex. In the belief that when he arrived he would break the tie in McDermott's favor, the Green men telegraphed to Jersey City, directing that a special train be hurried up into the Sussex hills to whirl him down to Trenton, and the State Committee hung around till four o'clock in the morning to await his arrival.

And when he stepped in, smiling and bowing—Mr. Smith was a terribly polite little gentleman with iron-gray hair and clerical face and keen black eyes and mutton-chop side whiskers—he was not ready to vote for McDermott; he was not ready to vote for Blodgett; in fact, he had a man of his own choice to urge upon his astonished fellows.

Heigho! That was significant. Was Mr. Kelsey wavering in his loyalty to Blodgett that this close political ally of his was not ready to spring to Blodgett's rescue? Were Kelsey's disappearance and the indecision of this personal representative of his parts of one game? Could it be possible that Smith held

aloof from either side, while his chieftain was bargaining in secret with his enemies? "Staff" Little's choler rose higher and beads of anxious perspiration stood on his forehead as he dashed out to make another fruitless hunt for his ally and ask of him what it all meant. Meanwhile, the committee flopped around and finally hit upon ex-Congressman "Charley" Haight. Mr. Haight was the representative of the Abbett wing of the party. He was quite as obnoxious to Blodgett as McDermott was. Blodgett declared Haight's selection to be a personal affront, and put his request for a reconsideration of the nomination on such strong personal grounds that, out of deference to him, the committee recalled it, and finally agreed upon John W. Wescott, of Camden.

After Blodgett had, as Chairman of the State Committee, called the State Convention to order in Taylor Opera House, Judge Wescott took the chair and conducted the proceedings through the temporary organization phase. Following the usual precedent, a committee to name the permanent officers was appointed, and during the recess the struggle that had kept the State Committee in session till almost daylight was entered upon anew. The Blodgett party were anxious to make Orestes Cleveland the permanent Chairman; the Green men still insisted upon McDermott. The battle was a brief one. By the votes of fifteen of the twenty-one members of the committee, McDermott was named. The observable feature of the contest in the Organization Committee was the fact that the delegates over whom Mr. Kelsey's influence was supposed to be supreme did not line up for Orestes Cleveland. McDermott's speech in accepting the responsibilities of the chair was an attack on the railroad corporations, and he gave it a particularly personal turn by remarking that the New Jersey Central and the New York and Long Branch Railroads had not paid a cent into the State treasury for three years. When nominations were declared in order, Beckwith, of Atlantic, was the first who had an opportunity on the alphabetical roll-call of the counties to respond with a name. He presented that of Green. Burlington county came forward with Hendrickson and Blodgett; Camden put



Robert S. Green.

forward the name of Wescott; Cape May responded with John Hopper; Essex with John McGregor of Newark, David C. Dodd of Orange, and Andrew Albright of Newark. Passaic broke into a deafening tumult over contesting delegations, and Wm. D. Daly, of Jersey City, stirred up a riot when, in response to the call for Hudson, he answered with Green's name. A dozen of the Hudson delegates sprang to their feet to declare that the county was not unanimous for the Third district Congressman. Monmouth put Blodgett in formal nomination; Morris honored Augustus W. Cutler with its preference.

And the roll-call for the tallying the vote was entered upon at once. Mr. McDermott knew that the vote of the Hudson delegation was the vital and essential one; and, the Hudson men having, after their county chairman had announced it for Green, sprung to their feet in protest, he was furnished with a pretext for passing it and giving its members an opportunity to agree among themselves while the roll-call of the other counties was being completed. The Blodgett men listened to the response from the delegations representing the counties where Mr. Kelsey's influence was most active with mingled surprise and indignation. One after the other, called upon to announce its choice, was marked down in the Green column. Hudson was still divided and warring; its vote, thrown solidly to Blodgett, would have decided the battle in his favor. While it was busy with its contentions, the Essex delegation yielded to the pressure to which it was subjected. The three favored sons whom it had put in nomination had no chance of carrying the convention, and James F. Connelly, the Chairman of the delegation, aroused the enthusiasm of the Green men by the announcement that he had been instructed to cast the one hundred or more votes of the delegation for Green. The coup was completed when the votes of both the Passaic delegations were tallied up for the Union county man. The Blodgett contingent, wild with rage and disappointment, jumped to their feet with noisy protests. But McDermott insisted that the tally showed a majority for Green, and formally announced him as the candidate of the convention. The moment he made the declaration, he d opped

his gavel on the table, and, declaring the convention adjourned without date, prevented the Blodgett men from appealing from his decision and securing a revision of the tally figures.

The rest of the story of the convention fight is that, on the night before the convention, the McPherson party had discovered that, with the delegates whom Mr. Kelsey could control, Mr. Blodgett was sure to secure the nomination. Mr. Kelsey had been sought by Supreme Court Clerk Lee early in the evening and taken to Mr. Lee's house. Mr. Lee was of the McPherson clan, and, anxious to see Green nominated, he had summoned to his house every Democratic leader who could have any influence with Mr. Kelsey, and they had labored through half the night with the Secretary in Green's favor. He was reluctant to listen, but they made him. He considered what would become of him in the event of Green's election. Wouldn't he be deposed from the handsome State office he held? Surely, after the bitter rivalries of years, culminating in the publication of the overheard Philadelphia hotel interview, McPherson would never permit Green to re-appoint him to the State Secretaryship! The throng of his friends re-assured him. They put themselves under bonds to him to make McPherson consent, unwilling as he would doubtless be. And Mr. Kelsey finally yielded to their persuasions, and directed the delegates who were responsive to his call to fall in line for the Union county candidate.

There was always afterwards a speaking acquaintance between Mr. Kelsey and Mr. Little, but it was the end of the political alliance that had existed between them for many years. By dissolving their political ties the incident disintegrated the State House autocracy forever and paved the way for the complete ascendency which the other wing of the party maintained to the end of the period covered by this narrative. Mr. Kelsey became identified—never closely, however—with the new rulers, while Mr. Little, unrelenting to the end, kept up his bitter warfare upon them. Every now and then he amused himself by riding into their camp, like a lone bandit—armed to the teeth with charge and innuendo—and spreading dismay and terror by his presence.

The Republican convention met a week later, with ex-Senator Cattell as temporary Chairman and William Walter Phelps as permanent Chairman. Gardner R. Colby, of East Orange, and Benjamin F. Howey, who had carried the strongly Democratic Fourth district for Congress, were the chief competitors for the nomination. General Duncan, of Bergen, and Major Carl Lentz, of Essex, made speeches in favor of Colby; Charles Starr, of Gloucester, made the nominating speech for Howey. On the first roll-call Howey had 293 out of 294 votes needed for his nomination. General Sewell added Camden's vote, and Mr. Phelps formally declared Howey the choice of the convention. The nomination was regarded as a strong one at the start, but the Democrats made a hustling canvass for Green and came out with flying colors.

CHAPTER XXII.

WHICH, IF IT ANYTHING LIKE ADEQUATELY DESCRIBES THE DEFEAT OF GOVERNOR ABBETT'S FIRST ATTEMPT TO REACH THE UNITED STATES SENATORSHIP, MUST BE AN EXCITING ONE.

MR. ABBETT'S term as Governor ended in January, 1887. The term of General Sewell as United States Senator was to end in the following March. During all of his service in the gubernatorial chair it had been known of all men that Governor Abbett aspired to succeed the General, and by popular acclaim the dignity he sought was voted to him as the reward of his efforts, successful in both directions, to free the State from the lien of the monopoly exemptions, and keep her people from the burden of a State tax. The Democratic canvass for new State Senators and new members of Assembly had been made in the preceding fall all over the State with the understanding that if the joint convention of the two Houses were Democratic, Mr. Abbett was to be promoted to the United States Senate. It was understood beyond that, that he was to have the nomination of his party caucus wholly as a tribute to his skill as a statesman and without forcing him to resort to any of the devious devices by which United States Senatorships are too often won. But the moment the results of the election became known it was seen that complications that might keep the people's gift from his hands were probable, and that nothing but the shrewdest management on his part could save it to him.

The new Senate was to consist of twelve Republicans and nine Democrats. In the House there were thirty Democrats, twenty-seven Republicans, and two men, Donohue and Carroll, elected in Passaic districts by the joint efforts of the Democrats and the Labor men. Thus fifty-nine seats were accounted for.

The sixtieth belonged to the representative of the Second district of Mercer county. The candidates there had been Josiah Jones, on behalf of the Republicans, and Frederick Walter, on behalf of the Democrats. The returns, as sent in on election night and subsequently confirmed by the Board of Canvassers, had shown for Walter a majority of two over Jones, and the canvassers had given him the certificate of election. Jones claimed that there had been an error in the tally of the votes and he applied to the Supreme Court for a recount. There were gains and losses on both sides, and at the end of it, it was seen that both had polled the same number of votes. Chief Justice Beasley declared a tie and refused to grant the court's commission to either of the candidates. That did not, however, disarm Mr. Walter. He still held the certificate the canvassers had given him for such use as he could make of it, and it was a foregone conclusion that he would present it to the House and ask admission to his seat.

If Walter were allowed to act as a member, his vote would make the thirty-first and controlling Democratic vote in the Assembly, and with the nine Democrats in the Senate there were forty Democratic votes on joint ballot. The Republicans, with twenty-seven Assemblymen and twelve Senators, were able to muster thirty-nine votes in joint meeting. Neither party had the forty-one votes required to control the joint meeting and elect a Senator, and the two Labor-Democrats from Paterson held the balance of power between them. Their alliance with the Republicans would give the Republicans the forty-one votes; if they joined themselves with the Democrats, the Democrats would have forty-two. Both of them were therefore eagerly sought by both of the parties for expressions of their sentiments. They answered that, having been elected as Labor men, they were under no obligation to either of the big parties, and that they were at liberty to vote in the senatorial joint meeting as they pleased. The necessary implication was that they would hold themselves aloof, and Governor Abbett's friends were very far from securing from them assurances of their support.

With forty Democratic votes in the joint meeting assured, Governor Abbett's friends assumed that but one more was needed to capture the Senatorship for him. They had heard rumors that there would be opposition to him in the caucus, but they knew that he had the majority of the votes there, and they took it for granted that the opposing Democrats would be bound by the action of the caucus; and there was a mighty struggle between the two parties for more votes. Soon after the election rumors reached Trenton that the returns in the Third district of Camden county were to be attacked in Governor Abbett's interest. George T. Haines had been the Republican candidate for the Assembly there, and Henry Turley the Democratic candidate. The local Board of Canvassers had declared Mr. Haines elected by forty-two majority and given him the certificate of election. Turley claimed that a recount of the votes would show that he had beaten Haines, and upon his application Justice Joel Parker conducted it. The reviewed ballots found in the box in which the people of Center township had voted and in another box in which the people of Waterford township had voted disclosed marked variations in Turley's favor from the tallied returns, and Justice Parker allowing them, revoked Haines' certificate of election and placed the court's certificate in Turley's hands. The admission of Turley to his seat would reduce the Republican vote in joint meeting to thirty-eight and advance the Democratic vote to the needed forty-one.

The Republicans loudly insisted that the vote changes noted in Center and Waterford had been manipulated after the election, in Abbett's interest, by some one who had access to the boxes. At an investigation subsequently set on foot, it was sworn that the returns had been carefully canvassed on election night, correctly tallied and not disputed; that just enough ballots had been subsequently changed by the striking of Haines' name from them and the writing of Turley's name as a substitute upon them, to make up the difference upon which Judge Parker had reversed the result. The Republicans insisted that the marks upon the ballots showed that they had been changed after the count, while upon the string, and that Turley's name on all

the changed ballots was in the same handwriting. Corroborating these intimations of fraud was the presence at the investigation of the voters in the two townships who testified that they had cast their ballots for Haines, and their number was precisely equal to the number of ballots that had originally been counted for Haines by the two election boards. The inquiry had a sensational culmination, when a locksmith named Chambley, from Philadelphia, was forced to admit that, one dark and stormy night soon after the election, he had been hired by some men to go to a distant town in New Jersey; that they carried him to a school-house where there was a ballot-box, and that he had opened it so that they could get into it.

As the time for the opening of the legislative session approached, rumors multiplied that even if the Abbett managers succeeded in seating Walter and Turley, they would have difficulty in holding the forty-one Democratic votes. The Governor's arch enemy, ex-Senator Little, had been busy among the Monmouth members, and it began to be noised around that Dr. Chattle, the Prohibition Senator from that county, and young Mr. Throckmorton, who represented one of the districts from it in the Assembly, were prepared to defy the caucus. William H. Kays, an influential factor in Sussex county politics and another bitter foe of the Governor's, had succeeded, too, in weakening the loyalty of Senator McBride and the bad-eyed Kinney, the Assemblyman from that county. It was the common anticipation that if Abbett failed in the election, General Sewell would win the prize again, and Democratic Senator Chase, of Middlesex, who was in the employ of the Pennsylvania Railroad Company at South Amboy, was said to be ready to give him whatever assistance he could without making too serious a break from his party.

There were just as ominous rumblings of discontent among the Republicans concerning General Sewell's candidacy. Among the Republicans elected to the House was William H. Corbin, the keen-witted and scholarly lawyer from Elizabeth, who had given Governor Abbett such valuable assistance in his struggle with the Morris and Essex Railroad Company. Corbin was

one of the best-equipped legislators that ever sat in the Assembly, and his talents gave him a commanding influence among his fellow members. He looked upon General Sewell as a leader whose ways were not always along the most popular roads. General Sewell's friends intimated that Mr. Corbin's cynical views were due to the failure of the General to assist him to reach the Speakership in 1886, but Mr. Corbin's friends refused to believe that General Sewell had taken a hand in that fight against him; and Corbin's belief that Sewell was responsible for more than one party defeat was popularly accepted as the explanation of his refusal to favor Sewell's re-election to the United States Senate. Mr. Corbin emphasized his antagonism to the Camden chieftain by refusing to go into a formal caucus that he knew beforehand would put the General in nomination. He was, however, in frequent conference with his Republican colleagues, and was ready to aid them in any movement to defeat Abbett with some one else than Sewell. Standing with Mr. Corbin in his opposition to General Sewell were Assemblyman Philip Young, of Camden, whose constituents had pledged him when they nominated him not to vote for Sewell, and Assemblyman Thomas H. Hawkins, of Cumberland.

The complications on both sides became more numerous as the hour for the meeting of the Houses approached. Assemblyman Wolverton, of Hunterdon, had been led to believe that the Abbett influence in the Democratic caucus would be exerted in behalf of his promotion to the Speakership, and he was chagrined and disappointed when he saw them bend all their efforts to the choice of Hudspeth, of Hudson. His Hunterdon colleague, John C. Arnwine, who had been his warm champion in the contest, shared his disappointment with him. Assemblyman Baird, an herb doctor and compounder of patent medicines, who represented one of the Warren districts, had also set his eye upon the Speakership, and he found in the defeat of his ambition a motive for deserting his party's standards. He and Wolverton and Arnwine and the two Paterson Labor men broke from the Democratic caucus in high dudgeon when Hudspeth was made its candidate for the House Speakership,

and offered their services to the twenty-six Republicans who were in conference at the same time in the Senate Chamber. Glad to assist any movement that looked to the defeat of the Abbett programme, the Republicans readily assented to take Baird as their candidate for Speaker, and in less than half an hour a slate had been made up for the organization of the Assembly with a combination of anti Abbett Democrats and Republicans to fill the offices in the Chamber. Besides Baird for Speaker, the Democrats also captured the Clerkship for Joseph Atkinson, a Newark editor, the Sergeant-at-Arms for the notorious and irrepressible Terry McDonald. The Republicans made the diminutive Herbert Potts Reading Clerk, and secured minor places for others of their faith. There were thirty-one votes in this combination—a majority of the House membership—and when they had completed their organization ticket they marched to the Assembly Chamber and demanded admission.

The Democratic members being still in caucus, the doors were barred; but when one of the doorkeepers drew the bolt to see who was outside, they forced their way in and insisted upon being given possession of the room. Assemblyman Frank M. McDermit, of Essex, sat at the Clerk's desk and announced his purpose of holding it against all comers. He was of stalwart build, as broad as he was long, one whom nothing could daunt, and no one was disposed to undertake to dislodge him. A riot was imminent, and Lieutenant Lane, Sergeant Sweeney and Patrolman Pilger, of the local police, were called in to prevent disturbances. The Republicans and their allies, leaving the Democrats in possession of the main hall, flocked into the Speaker's room behind, and through the windows admitted those whom they had selected to be officers of the House and scores of fighting partisans whom they expected to aid them in taking possession of the Chamber. Trenton never witnessed such a scene of excitement as supervened when the Republican cohorts rushed in from the Speaker's room to carry out their programme. Baird was declared elected to the Speakership amid an awful clamor, and there were half a dozen affrays around the Speaker's desk when he and his fellow-officers approached it. Beckwith,

of Atlantic, loud mouthed and combative though under size, who had been billed by the Abbett faction to take the chair as temporary Chairman, undertook to keep Baird out of it by force, and even after Baird had ascended the dais in spite of all the opposition, he broke the gavel before he had reduced the turbulent crowd to even a semblance of order.

The next morning Assemblymen Frank M. McDermit and Michael T. Barrett, both of Essex and both Democrats, observed that neither Walter's nor Turley's names had been enrolled, and a fresh tumult ensued. McDermit and John P. Feeney, a Hudson Democrat, persuaded Clerk Atkinson to place the roll parchment in their hands for inspection. Their purpose in opening it to receive the signatures of the two excluded members became apparent a few minutes later, and a struggle between Atkinson and them ensued for its possession. Atkinson succeeded in wresting it from their grasp before they had carried out their design, but in the affray it had been twisted into the shape of a corkscrew, and in that condition remains to this day as a memento of the excitement.

Hudspeth, when quiet was restored, moved that the oath be administered to Turley. Corbin was on his feet in an instant to protest that Turley's path to his seat was paved with fraud, and the dark-visaged Armstrong, of Camden, argued against the motion, too. The crowd listened to the responses of the members with bated breath. A great cheer for the Knights of Labor shook the building when Donohue voted for the motion. Carroll's vote in the same direction evoked another whirlwind of Democratic applause. The motion had been carried by a vote of 30 to 28. An angry crowd of anti-Abbett men surrounded the desks of the two Labor Assemblymen, and roundly denounced them. The circumstance provoked Donohue to a speech, in which he declared himself a Democrat of the Jeffersonian stripe, and a Republican of the Lincoln stripe, and, bound by no obligations to either party, he asserted his right to vote as his independent judgment advised him. Turley had scarcely been sworn before Walter was permitted to sign the roll.

The Senate had not yet organized. It had met on the first

day and, without swearing in any of the newly-elected Senators, had adjourned for a week at a time. Its Republican majority stood aloof awaiting the developments of the Assembly contests. They had watched with special interest the movements which resulted in the seating of Turley and Walter, and when that had been accomplished they still stood aloof to watch the unfolding of the rest of the Democratic programme. Not all of the Republican leaders were, however, satisfied with this inaction, and their pressure led to a conference toward the close of January in Senator Cranmer's room.

Chief among the conferees were United States Senator Sewell, ex-Congressman George A. Halsey, of Newark, Garret A. Hobart, the Republican leader in Passaic, and ex-United States Senator Alexander G. Cattell. General Sewell called attention to the fact that the Democrats had in contemplation, besides the contests in the Camden and Mercer districts, the unseating of Peck of Essex, Hawkins of Cumberland, Doron of Passaic, and Ackerman of Bergen, and he inveighed against the wisdom of organizing until the Democrats had given assurances that these gentlemen should not be disturbed. Senators Griggs, Thompson and Fish, on the other hand, were warmly in favor of immediate organization. Notwithstanding their pressure, the Senate did not organize until a week later.

Meanwhile the time fixed by the United States statute for the assembling of the two Houses in joint convention to choose a United States Senator had rolled around, and the Assembly held a semblance of a joint meeting with the Democratic minority of the Senate. The only formal candidate before them was Governor Abbett, who had been named as the Democratic caucus nominee. Throckmorton seized the opportunity to defy the caucus at a time when it could not do much harm. He said, in an address which he made at his desk, that the time had not yet arrived when he considered himself committed as to his choice for the distinction, nor would he be committed by others until his own judgment dictated to him what was for the best interests of the party; and for the purpose of showing his dissent from the action of the party, which had made Abbett the

nominee, he put ex-Governor Joseph D. Bedle in formal nomination. Of the thirty-nine Democrats in the meeting, Abbett received the votes of thirty-eight; Throckmorton's alone was cast for Bedle.

The last day of January had been reached before the Senate organization was effected. Frederick S. Fish was made President and Richard B. Reading was chosen to sit at the Secretary's desk. It was two weeks later when the Republicans succeeded in holding their joint caucus. General Sewell had a vast preponderance among them, and was made the party's candidate against Abbett. But Assemblymen Corbin, Young and Hawkins withdrew from the caucus. Assemblymen Hill, of Essex, and Chamberlain, of Union, were also indisposed to accept Sewell's candidacy, but they were finally persuaded to act with their party colleagues.

A second joint Democratic caucus was held the same night. Senators Chattle and Chase, and Assemblymen Kinney and Peck, were conspicuous by their absence. Kinney was said to be in Philadelphia, in communication with the Republicans, and was roundly abused by his disappointed fellow Democrats as the meanest kind of a traitor. Governor Abbett was again made the choice of the caucus, but these defections from the camp only served to emphasize the embarrassments that attended his candidacy.

The first attempt to hold a joint meeting of the regularly-organized Houses was made on the following day (Tuesday, the 15th), and the Republicans thought they had everything prepared for Abbett's defeat. When the Democrats had counted noses, before going to the Assembly Chamber, they discovered that three of their members were absent and suspected that their absence had been arranged by their Republican rivals. They abstained, therefore, from proceeding to the joint meeting, and when President Fish called for order in the Assembly Chamber, Speaker Baird was the only Democratic Assemblyman in attendance. The Republicans were all there—Carroll and Donohue, the two Paterson Labor men, with them. President Fish held the joint meeting open for an hour and a half, to

await the presence of the other members, and then, after a protest had been entered against their absence, declared the meeting adjourned for the day. The Democrats, having meanwhile corralled the absent three, flocked into the Chamber just as the joint meeting rose, and insisted upon being recorded as present, but President Fish told them that it was too late.

When the joint meeting assembled the following day, a bitter and exciting controversy between the spokesmen of the two parties over the participation of Assemblymen Turley and Walter in the proceedings delayed the taking of a ballot. The floor, aisles and galleries of the Chamber were packed to suffocation, and, as every man in the crowd was a partisan, the stormy scenes that ensued almost culminated in a riot. Senator Griggs, of Passaic, precipitated the controversy by rising to read a protest against the right of Turley and Walter to cast ballots in the senatorial contest. Mr. Hudspeth, the Democratic leader on the floor, attempted to choke him off with the point of order that nothing was in order save the casting of the ballots for United States Senator; but President Fish went to Mr. Griggs' aid with the ruling that a protest against the right of two usurpers to participate in the discharge of the high function that then devolved upon the Legislature, was a question of the highest privilege.

"Such a motion," he concluded, in the midst of the most indescribable confusion, "is always in order, and the Senator from Passaic will proceed with the reading of the protest."

Hudspeth attempted to appeal from the decision of the chair, but Fish declined to entertain the appeal. The great throng broke into tumult at once. The Republicans cheered; hundreds of Abbett's partisans in the galleries hissed and groaned. Assemblyman Phil. Tumulty, of Hudson, leaped to the top of his desk, and, shaking his clenched fist at Fish, denounced him in ribald language. Beckwith darted down the aisle, and with one foot on the step leading to the Speaker's dias, called Fish a cowardly cur, and threatened that unless he reversed his decision he would drag him from his place and throw him out of the Chamber. Edward T. McLaughlin, another Hudson Assemblyman,

hurled oaths at the President that were heard even above the prevailing din. Fish's face was pale with excitement, but his jaw was set, and he let them threaten without replying, while Griggs went on with the reading of the protest. When he had finished it, he walked with a defiant air to the Clerk's desk, pushed his way through the throng gathered around it, and placed the paper in Secretary Reading's hands.

Senator Edwards, of Hudson, immediately made a motion that the protest be expunged from the minutes, arguing that the House alone was the judge of the return and election of its members, and that the Senate had no right to question Turley's title to his seat after the House had passed upon it. Clerk Atkinson, who assisted Mr. Reading at the Secretary's desk, called the roll. Speaker Baird and the two Labor men voted with the Republicans, and succeeded in keeping the protest on the record. And, on the plea that the confusion that prevailed while Mr. Griggs was reading had made it impossible for the members to hear it, the majority proceeded to make it more uncomfortable for the Abbett men by directing that it be read again from the Secretary's desk, and, by an irony of fate, the function of reading it fell to the lot of House Clerk Atkinson, who was one of the most devoted adherents of Abbett in the throng. Atkinson managed to swallow his indignation long enough to stumble through it, and when he had laid it aside he made himself the center of attraction by excitedly charging that Secretary Reading, his Republican superior at the desk, had tampered with the tally list. A re-call of the roll disproved the Clerk's suspicions, and the vote of forty-one to forty pinned the protest forever to the record of the proceedings.

When the protest had been disposed of a formal vote for United States Senator was taken. On the ballot General Sewell had thirty-five Republican votes and Governor Abbett thirty-five Democratic votes. Besides these, Chattle and Throckmorton, Democrats, voted for ex-Governor Bedle; Chase, Democrat, for ex-Governor George C. Ludlow; McBride and Kinney, Democrats, for Thomas Kays; Carroll and Donohue, the Labor men, for Erastus E. Potter, a Port Oram schoolmaster who

had made himself conspicuous as an orator on the Labor platform and the year before as the Labor candidate for Governor; Baird, Democrat, for William H. Morrow, of Warren; Corbin, Republican, for Cortlandt Parker; Hawkins, Republican, for William E. Potter, and Young, Republican, for Frederic A. Potts.

The ballot showed substantially the same division of sentiment on both sides as it was taken from day to day for the next two weeks, and slight tumults marked every convention of the two Houses. Because of his position, Baird was, of course, the chief object of attack by the Abbett men, and on the 23d day of February Allan L. McDermott, in the hope probably of bluffing him, sent to him by a messenger a brief note asking "a plain question—whether or not you will vote for a Republican for Senator."

"I will answer your question 'when the swallows homeward fly,'" was the response which Baird traced in pencil on the back of Mr. McDermott's note.

On the following day an attempt was made to put a resolution through the Assembly denouncing Baird as a traitor to his party, and calling upon him to resign, but it was defeated, with the aid of Carroll and Donohue, by a vote of thirty to twenty-nine. Even Wolverton was aroused to denunciation of him for his course. From his seat in the House one day he regretted that he had helped to put the Warren pill-maker in the Speaker's chair, because he had noted that Baird had thrown all his influence with the Republicans.

"And between me and my God," shouted Wolverton, with uplifted hands, "no such contract was made when he was placed in the chair; and I now say that I am ready by voice and vote to put another Speaker in the chair."

All the efforts to depose Baird were unavailing, however, and the proceedings in the Assembly Chamber continued to be marked by a succession of affrays.

All this time the disaffected Democrats were endeavoring to patch up a bargain with the Republican caucus in favor of electing another Democrat than Abbett. Several conspicuous anti-

Abbett names were canvassed. That of ex-Governor Bedle was the most prominent among them; that of Thomas Kays stood next, and a portentous figure in the background was that of old Senator Hezekiah Smith, of Burlington, a big, burly six-footer, who had led a career that was equally disreputable and picturesque. He carried a rugged mind in a rugged body, and in the sixty years of activity that he had enjoyed up to the time that he came into the State Senate of New Jersey he had made himself an effective political factor in two States.

Originally a blacksmith at Rutland, Vermont, he had succeeded in acquiring a competence there and lived in handsome style with his wife and three children. His active participation in public affairs had led to his election to Congress as one of the representatives of the Green Mountain State. At the close of his term he suddenly disappeared from among his neighbors, and for years and years his family were unable to secure any tiding concerning him. Not till they learned that a certain Hezekiah B. Smith had been elected to represent one of the New Jersey districts in Congress had they any idea as to his whereabouts. The event showed that he had gone down to Burlington, New Jersey, from Vermont, and started in to make his fortune anew. He soon acquired money enough to enable him to build a large manufacturing establishment just outside of the city of Burlington, and it became the center, eventually, of a busy town, to which he gave the name of Smithville. Soon recognized as a wealthy man, he wedded himself to an ambitious woman, fond of show, and made her the mistress of one of the handsomest estates in the Commonwealth. When his business was able to run itself without his personal attention, he plunged into politics, and in 1879 was elected to Congress from the Second district. His colleagues were George M. Robeson, Grant's noted Naval Secretary; Miles Ross, the potential Middle State Democratic boss; Alvah A. Clark, an oily-tongued Somerville lawyer; Charles H. Voorhis, of Bergen; John L. Blake, of Essex, and Lewis A. Brigham, who, with Isaac W. Scudder, enjoyed the distinction of being the only Republicans who ever represented Hudson county in Congress.

When old Hezekiah Smith's family in Vermont learned of the election of a man of that name to Congress from New Jersey, Mrs. Smith sent her eldest son to Burlington, to learn whether he was, indeed, her long-missing husband. The boy knew his father in the gruff old man whom he met, but Smith brazenly denied that he had ever seen the boy before, and the woman in the stately mansion at Smithville turned him out of doors after the coarsest vilification of his mother. Smith absolutely refused to recognize his Vermont family, and, for the honor of her children, Mrs. Smith abstained from pursuing him.

It was only after his death that the scandal of his life came to the surface, and his indignant sons, who had meanwhile achieved station themselves, scorned to touch a dollar of the million he left behind him. For some reason or other, Smith was not re-nominated for Congress, and in 1883 he turned up as the spokesman for Burlington on the floor of the State Senate. When Abbett came to the Governorship in 1884, the old man put in a claim to him for recognition as the channel for the distribution of official favors in his section of the State. Governor Abbett did not "cotton" to him, and there was eventually an open rupture between them over the appointment of the Prosecutor of Pleas for Burlington county. Smith insisted upon the appointment of the man of his selection, and the Governor refused to yield. The old man was an obstructionist from that time on. He was eternally in the Governor's light; and when Abbett tried to elect, as the new Senator from Burlington, a man favorable to himself, old Smith went into the polls against him and helped the Republicans to elect William H. Carter over him. The old man boasted with a swell of pride and satisfaction that he had spent $70,000 to defeat Abbett candidates for South Jersey seats in the Senate and Assembly, and that he would spend $100,000 more to keep him out of the United States Senate.

He thought he saw his opportunity when the revolt broke out against Abbett in the Democratic caucus. Moved partly by revenge and partly by ambition, he announced himself as a candidate for United States Senator against Abbett, and was one

of the figures in the deal between the Republicans and the disaffected Democrats.

Throckmorton and the handful of allies who were wielded by the same influences that reached him, were more disposed to ex-Governor Bedle. The little, round, sunny-faced object of their adoration was, however, scarcely in consenting humor. Ex-Governor Bedle seemed to be perfectly willing to allow his name to be toyed with as long as it could serve any purpose as a foil to the movements of the Abbett managers, but he was not understood to be at any time an active aspirant. On one of the ballots he had the votes of Chamberlain, Cranmer, Griggs, Lufburrow, Oviatt, Republicans, and of Baird, Chattle and Throckmorton, Democrats. And towards the end it was understood that the mass of Republicans would go to his aid, and that the Senatorship was within his reach. The sentiment within the Republican caucus was not, however, enthusiastic for him in some quarters, and the Democratic bolters began to look around for a candidate who could more firmly unite them.

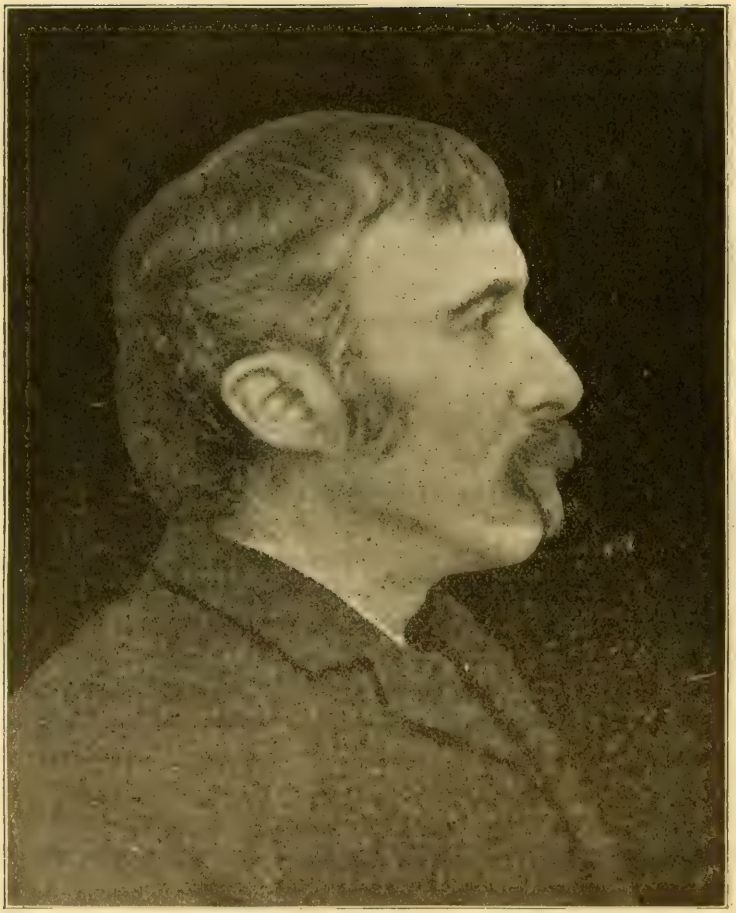
Finally, it was suggested that it might not be unwise for the anti-Abbett men to revenge themselves upon him with a man upon whom he had himself trampled, and thus there came into the canvass furtive whispers of Rufus Blodgett's name. Mr. Blodgett was looked upon as not a particularly brilliant statesman, but as a level-headed and square-toed kind of a man, and, besides, he could reach railroad influences that were not accessible to a Pennsylvania Railroad candidate. He was a Jersey Central man; had grown up from a brakeman to be Superintendent of the New York and Long Branch Railroad, and the prevailing belief that Abbett had, through McDermott, cheated him out of the gubernatorial nomination the year before, singled him out as bitterly unacceptable to the Abbett party.

The Republicans had, as already stated, given the nomination to General Sewell, but the continued refusal of Messrs. Corbin, Hawkins and Young to act with their party led to the idea that some other Republican would have a better chance. Both Mr. Abbett and General Sewell were advised to withdraw from the scene. But the Senatorship had been the chief goal of Mr.

Abbett's ambition; the hope of reaching it had alone reconciled him to his three years' service in the Governorship, and whenever he was approached with a proposition of withdrawal he set his teeth firmly and said "no" with ferocious energy. General Sewell was almost as reluctant to drop his pursuit of the gaudy honor, but when he saw that Corbin, Hawkins and Young were impervious to all the influences with which he could surround them, he yielded to importunity and agreed to step aside.

William Walter Phelps, the shining statesman of Bergen county, who had brought luster upon his name and the State as well, during his service in Congress as the representative of the Fifth district, was now summoned to the front as the coming man. Donohue and Carroll represented districts that were in the boundaries of Mr. Phelps' own Congressional district, and Mr. Phelps' friends had an idea that they could put sufficient local pressure upon them to induce them to join with the Republicans in electing him. The formal nomination was never taken away from General Sewell by the caucus, but it was generally understood among the Republican members that if Donohue and Carroll responded with Mr. Phelps' name in joint meeting, all of the Republican members were to turn in and make his election sure.

Meanwhile, the Throckmorton bolters from the Democratic caucus were using their best endeavors to persuade the Republican caucus to join with them in the election of either Bedle or Blodgett. The Republicans were as anxious to beat Abbett as the others were, and their arguments did not fall on entirely deaf ears. The Republican caucus stood firmly, however, for a Republican candidate till, one day, after the deadlock had continued for several weeks, the Throckmorton party served notice on them that they were being subjected to a terrific pressure for Abbett, and that unless the Republicans helped them to break the deadlock by four o'clock the next day they would be obliged to help their Democratic colleagues elect the Governor to the coveted position. The Republican caucus met this announcement by sending a committee to the Democratic independents asking them to submit three names of anti-Abbett Democrats



William Walter Phelps.

for whom they would vote, and they responded with the names of Rufus Blodgett, Thomas H. Kays, of Sussex, and old Hezekiah Smith, of Burlington.

When the Republicans went into joint meeting at noon of the day that saw the end of the contest, there was still hope that Mr. Phelps might be able to persuade the two Passaic Labor men, but it was so indefinite and unsettled that there was a general understanding among them that they might be required to break to one of the three named by the Democratic bolters. The Republicans were determined to persevere to the very end for a Republican candidate. They were equally determined not to allow Abbett to win even if they had to vote for a Democratic candidate, and when the hour for joint meeting arrived, though it was known that the issue had to be settled that afternoon, not a man of them knew which way or in whose favor it was to be settled. As it would be impossible for them to leave the joint meeting to decide upon a new candidate in the event of the failure of the negotiations of Phelps' friends with the Paterson Labor men, it was arranged that the signal for the break from a Republican candidate, if there was to be any, should be given on the floor of joint meeting.

The roll-call is arranged alphabetically, and the name of Peter Ackerman, of Bergen, was the first Republican name on Secretary Reading's list. All the Republicans were given to understand that on every ballot on which Ackerman voted for Sewell, they were to be free to vote as they pleased, but that if during the progress of the ballot he announced himself for Phelps or for a Democrat, they were all to follow the lead.

Two or three ballots were taken while the Phelps men were making final efforts with the two Labor men. Word was finally brought to Colonel Samuel D. Dickinson, representing the Third district of Hudson, that the Paterson men were obdurate, that Phelps' election was impossible, and that if Abbett were to be beaten the Republicans must join with the Democratic bolters in voting for a Democrat. Dickinson hurried ex-Speaker Armstrong to notify Ackerman that he must lead a break on the next roll-call.

"Well, what is the name?" asked Ackerman.

"His name is Blodgett," was the answer.

When the Clerk called Ackerman's name he answered with Blodgett's; the Republicans all down the line responded with Blodgett. Carroll, explaining his vote, declared that the fight had dwindled down to a railroad and anti-railroad contest; that he was an anti-railroad man, and that he would vote for Leon Abbett. Donohue stuck to Potter because, he said, he was a Labor man, and he proposed to stick by his colors to the last. Colonel Dickinson adhered to Sewell and changed to Blodgett only when he saw that Sewell was defeated. Chase voted first for Abbett, but changed to Blodgett at the end. And Letts, a Democratic Assemblyman from Hoboken, in the hope of leading a counter break to Sewell that would yet defeat Blodgett, changed to Sewell. The Democrats were on the edge of a stampede to the Camden chieftain, when Senator Edwards got up and checked it by saying that Governor Abbett preferred a poor Democrat to a good Republican.

The Democratic malcontents all added their votes to those on the Blodgett list, and President Fish announced, amid a silence that betrayed the disappointment of the eager throng in the galleries, that Rufus Blodgett had forty-three votes and Leon Abbett only thirty-eight votes, and that Rufus Blodgett, and not Leon Abbett, had been elected United States Senator for the six-year term commencing on the 4th of March.

Abbett's friends almost cried with rage when the end came. Assemblymen Heppenheimer, who had graduated from the law office into the Assembly, even hurled a volume of the Revised Statutes at Baird's head. Haggard and broken with disappointment, the Governor looked like one in the last stages of decline.

Blodgett was stunned when a young Mercury rushed into the room in one of the Trenton hotels in which he awaited the news. He stared vacantly at the boy, as though doubting the evidence of his senses for a moment; then, with a wild whoop of joy, he tossed the big sombrero he held in his hands, to the ceiling. It was a great stroke of fortune that advanced the

uncouth and unlettered railroad man to a place among the rulers of the earth. The Republicans lived to repent their part in the affair. It left the resourceful Abbett in the field to battle them, while there was no compensating gain for them in Blodgett's uneventful service in the great building on Capitol Hill.

CHAPTER XXIII.

WHICH SHOWS HOW THE REPUBLICANS FRIGHTENED THE LIQUOR DEALERS WITH A TEMPERANCE BILL AND WERE IN TURN PUNISHED BY THE LIQUOR MEN FOR THE SCARE.

THE Republicans of the State were meanwhile looking forward to the possible outcome of two important political battles to be fought to an issue in 1889. Senator McPherson's term at Washington was to expire in March, and the Republicans were ambitious to control the Legislature of 1889, and so name his successor. In the fall of 1889 the two parties were to contend for the Governorship, Governor Green's term expiring in January, 1890. General Sewell probably had his eye on Senator McPherson's seat in the Senate, and Senator Griggs, of Passaic, flattered himself that his notable work in connection with the passage of the Railroad Tax act would make him an available candidate for the Governorship.

They had both observed that in the last gubernatorial campaign (1886) the Temperance men held the balance of power between the two parties—that the combined Prohibition and Republican vote exceeded the Democratic vote given Green. Green had beaten Howey, the Republican candidate, by 8,000 votes; General Fisk, who had made an especially active canvass as the Prohibition candidate for Governor, had polled between 19,000 and 20,000 votes. It was a problem in simple addition to figure that if the 19,000 Fisk votes had been cast for Howey, the State would have had a Republican instead of a Democratic Governor. It had been noted, too, that just as the Prohibition vote went up the Republican vote went down, and that the Republican loss to the Prohibition party was largely from the Republican counties where General Sewell's influence was supreme. The General was naturally desirous of main-

taining his ascendancy in the counties that would most readily give him their votes for Senator, and Mr. Griggs' gubernatorial aspirations made him keenly anxious to bring the straying sheep from all over back to the Republican fold.

More, even, than what had been done was the danger of what might be done. The tendency of the Prohibition vote had been steadily upward. The cold water men had made their first State campaign in the gubernatorial contest of 1877. It was a new thing then, and all the temperance zealots in the State flocked to its standard to see how much of a power they could make of themselves. They managed to poll 1,438 votes. This was not particularly promising for a new party, and when the venerable Stephen B. Ransom, of Hudson county, led their ticket three years later, they did not rally to his support and the temperance vote declined to 125. But in 1883 Parsons polled 4,153 votes on a tee-total platform, and in 1886 Fisk's vote jumped, as already stated, to within a hundred or two of 20,000. The Republican leaders wondered what rate of increase might mark their vote for 1889 unless some concessions were made.

When the Republicans found themselves in control of the Legislature of 1888, they decided to temporize with this cold water brigade. In the House were thirty-seven Republicans and twenty-three Democrats, and Colonel Samuel D. Dickinson, of Hudson county, was made the Speaker. The Senate consisted of twelve Republicans and nine Democrats, with Senator George H. Large, of Hunterdon, as their presiding officer. The first Republican caucus held after the organization was summoned to deal with the liquor question. There were several conferences, and they eventuated in a bill that subsequently became known as the Local Option-High License act. The act made it the duty of the Circuit Court Judge presiding in any county, on the application of a certain percentage of the voters, to submit to the people of the county at a special election the question whether drinking-places should be licensed within the county. If the majority of the votes were in the negative, saloons were barred throughout the county. If the vote were in favor, saloons could be licensed under other clauses

of the bill. The licensing parts of the bill graded the cost of a license in cities according to their sizes, from $500 to $100. The act also put saloons where liquor was sold on Sundays into the category of disorderly houses and visited the severest penalties upon those who either sold without a license or violated the Sunday law.

When its full import became known the act created the wildest excitement in the bar rooms all over the State, and the liquor dealers flocked to Trenton to use their influence for its defeat. It was especially obnoxious in Jersey City, where between 1,000 and 1,200 saloons were operating under licenses that had cost only $50 apiece; in Newark, where over 1,000 saloons were permitted to do business on the payment of a like sum into the city treasury; in Hoboken, where there were 300 saloons paying $25 annual license, and in other cities of the State where licenses were almost as cheap. The saloon men agreed with one voice that the increase of the license fee would force them out of business, and they urged that a lower figure be fixed. Subsequent conferences ended in the decrease of the fee from $500 to $250 for the largest cities, but in no other modifications of the bill. When the caucus had perfected it the bill was rushed through two readings in the House on one day. McDermit, of Newark, made an attempt to delay its passage, but Assemblyman Rogers, of Passaic, sprang the previous question and it went through by a decisive vote.

The aye votes were cast by Brown, Conkling, Dickinson, Emley, Fuller, Gallagher, Goble, Hansell, Harrington, Hill, G. H. Higgins, Hutchinson, Jones, Low, Leaming, Ludlam, Lufburrow, Lyon, Marlatt, McGowan, Meeker, Nixon, Olden, Peck, Riker, Rogers, Smalley, Smith, Ulrich, Voorhees, West.

The nay vote was cast by Bale, Bloomer, Christie, Cutter, Dusenberry, Farrell, Feeney, Heppenheimer, A. A. Higgins, Hoover, Kays, Leavitt, Letts, Lozier, Martin, Matthews, McDermit, Mulvey, Mutchler, Norton, Pitney, Potts, Riley, Schmelz, Short, Trimmer. Of those who voted for it, Ludlam and Smalley were Democrats; Dusenberry, Christie, Lozier, Leavitt and Letts, who voted against it, were Republicans.

The bill was rushed into the Senate and pressed to final passage in two days. On roll-call, Senators Edwards, of Hudson, and Wyckoff, of Warren, protested against what they called its railroading. No time was lost, however, and the roll-call showed twelve votes for it and only six against it.

The aye vote was cast by Carter, Cranmer, Gardner, Griggs, Hanes, Large, Martin, Miller, Nevius, Roe, Rue and Thompson. The negatives were Edwards, McBride, Newell, Pfeiffer, Werts and Wyckoff. Senators Baker, Bogart and Chase were absent. Baker afterwards appeared and asked to be recorded in its favor, and Bogart against it. Governor Green promptly vetoed it, and the liquor men are said to have offered fabulous sums for votes in favor of the veto. When the veto was called up in the House, it provoked a long debate, in which McDermit of Essex and Feeney and Heppenheimer of Hudson argued in its support, and Assemblymen Charles W. Fuller of Hudson, Emley of Passaic, and Goble of Ocean spoke for the bill. Lozier, one of the Republicans who refused to abide the caucus action, declared that his objection was to the local option feature; and Goble, in his remarks, said that he was tired of seeing the State run by the rum power. As everybody expected it would, the House overrode the veto, and the act was sent to the Senate for passage notwithstanding the Governor's objections. There, after a two-days' debate, with Nevius, Griggs and Gardner championing the bill, and Werts, McBride and Edwards defending its veto, the veto was overridden; and the act, passed by the party vote, became a law of the State.

The passage of the act called the warring clans into immediate action. The temperance men were first in the field. They organized almost immediately to prepare for the attack upon what they described as the entrenched rum power. Dr. Henry K. Carroll, Chairman of the Central Local Option Committee, presided at their meeting in the State Health Board's office, and a Permanent Central Executive Committee, consisting of Dr. Carroll himself; John Y. Foster, of the Newark Law and Order League; Rev. A. E. Ballard, of Ocean Grove, President of the Church Committee on Temperance; Rev. B. S. Everitt,

President of the State Temperance Alliance; Major James S. Yard, a well-known Democratic editor in Freehold; George J. Ferry, a conspicuous Orange Methodist; Judge J. S. Diverty, of Cape May; Rev. B. C. Lippincott and D. F. Merritt, was instructed to organize the counties with all possible dispatch for local option elections. Within a week they had warmed the local temperance organizations into energetic action, and in half the counties of the State movements looking to the holding of special elections were set on foot.

The care of the liquor interests was in the hands of the State Liquor Dealers' Association. Finance Commissioner John Edelstein, of Jersey City, was their Chairman, and ex-Governor Leon Abbett was their counsel. This organization represented, as the inimitable Harrigan, of Essex, had said from his seat in the Assembly Chamber during the discussion of the bill, an army of saloon men with a capital of $15,000,000 invested in the traffic. They were numerous enough and had retainers enough to be moulders of sentiment themselves—so much so that they threatened that unless the Democrats gave them assurances of the repeal of the law, they would organize a party of their own and make a campaign on the distinctive rum issue. They might have gone to this extreme, but that Governor Abbett had set his eye upon the chief chair of state again, and that his official and personal relations with them gave him an opportunity to put the brakes on their mad impetuosity.

There was not a phase of the bill that satisfied them. The idea of having the saloon barred entirely out of any county in the State could never be accepted by them, of course. The increased license fee threatened to force many unable to raise the money out of business. The clause pillorying the Sunday saloon as a "disorderly house" gored their sensibilities. Violations of the Sunday law were the rule everywhere in the populous cities. There had been no way of punishing them except through presentments by the grand juries, and the grand juries they controlled, so that they were protected in their offending. Even when they had been handed up to the courts, the penalties had been so light as to give them no concern. They could pay the trifling

fine on Monday out of the business of the Sunday before and have a handsome margin of profit left. But the new act meant suspension of business for a year on first conviction, and forfeiture of their licenses, with the added penalty of being forever forbidden to resume, on the second.

But when they entered upon their contest for the repeal of the law, they found themselves handicapped by a very general popular satisfaction with most of its features. The increased license fee was a boon to the local treasuries that quite reconciled taxpayers to other phases of it which might not otherwise have commanded their ready admiration. Jersey City, which had been forced to license her thousand saloons for $50,000, was now able to exact $250,000 annual tribute from them. Hoboken's license receipts leaped from less than $10,000 to nearly $30,000. Newark's local treasury was enriched to the extent of $200,000 or more a year, and, speaking generally, people of the municipalities were gratified to see that the rum sellers were obliged at last to contribute something like their share towards the maintenance of the jails and workhouses and poorhouses which they filled with their victims. It soon became apparent even to the saloon-keepers themselves that whatever else they might be able to do in the direction of softening the rigors of the law, the high license end of it would be a hard thing to root out.

They were treated to a surprise in the popularity of the local option end as well, as the temperance people forced the issue to the front by applications for special elections under it. Cumberland was the first to ask the privilege of forbidding the opening of a saloon on her soil. The application was made to the court, and a day in August was designated for the taking of her vote. Her earnest people never worked so hard for a triumph in the interests of law and order. The temperance workers in one little town had sixteen wagons on the go all day. Women held prayer-meetings at the polling places in other towns. The liquor men received the announcement that she had declared against license with an unconcern that was not affected. With Vineland and Bridgeton, founded on the Prohibition idea, among her towns, they had expected nothing else of her. But they

took alarm when, a month later, they saw Democratic Warren also order all of her road-houses and taverns closed by a majority of 900 on the popular vote, and Salem the same day set her face against the saloons by a majority that, compared with her population, was even more pronounced. Then Gloucester, filled with factory hands all more or less enamored of a "drap o' the craythur," wheeled into the Prohibition column by over 700 majority, and Cape May spoke up to say that the mammoth hostelries of her great watering resorts should confine themselves to the sale of soda water and ginger pop and church-fair lemonade.

They were stunned out of their senses when, about the time the Legislature of 1889 was assembling, Democratic Hunterdon, wedded to her apple-jack, had gone for reform and no license. The State seemed to be wild in its prohibition enthusiasm. Every day brought new applications to the courts for elections in other counties. The temperance people of Jersey City and Newark hoped to banish the bar even from Hudson and Essex; and the brewers and liquor men feared that the temperance wave, a ripple when it caught Cumberland in its embrace that had grown into a roaring billow when it swept over Hunterdon, might deluge the bars of the more populous industrial localities with cold water.

The danger was too great for the liquor men to try the experiment of an independent liquor campaign. Their only hope was in an alliance with the Democratic candidates, and by the time the parties were ready to open up for the fall campaign of 1888 they had secretly agreed to labor for the success of the Democratic Assembly and Senatorial tickets. The Democrats gave them recognition in their conventions. Brewers Weidenmayer and Schmelz were among the candidates the party offered to the Newark voters, and the lists were full of names of men more or less directly interested in the liquor traffic. That the party had sold itself out to the rum power was the charge with which the Republicans made the Democracy face the people. The Democrats, in their turn, described the Republican policy as puritanical and full of blue-law narrowness. Every inch of ground was contested by both sides with desperate energy.

Both parties recognized the combat as one that would determine their fortunes for years to come. The liquor element worked harder for Democratic success even than the Democratic party did itself; and when the results were cast up in the small hours following election day, it was seen that the Democrats had wrested the control of both Houses from the Republicans.

"Now," boasted one of the members of the Liquor Dealers' Association, when the result of the election became known, "there will be no United States Senator elected till the Anti-Liquor law is repealed."

The threat was in contemplation of the choice for United States Senator, successor to John R. McPherson, to be made during the coming session of the Legislature. Mr. McPherson's term was to expire in March, 1889. When the joint caucus of the Democratic members of the two Houses assembled in January to select the new Senator the threatened attempt to force the legislators to pledge themselves to the repeal of the law as a condition precedent to the nomination of a candidate for Senator was actually made, but it fell short of the mark.

The counties were still holding, or preparing to hold, new local option elections when the Legislature of 1889 gathered in the State House; and among the very first bills offered for its consideration was one by Brewer-Assemblyman George W. Weidenmayer aimed at the Local Option law. The subject was a delicate one for the politicians to handle, especially in view of the gubernatorial election to be held in the fall. The liquor men deemed the Weidenmayer act a trifle too conservative to meet their views, and insisted upon the uprooting of the legislation of 1888, and the members evinced a disposition to yield to their demands. But the party leaders feared the political effect of going so far. The two parties watched each other as cats watch mice. The Republicans kept their eye upon the Weidenmayer act as the one representing the composite views of the Democratic leaders and consequently destined to pass, and they were ever on the elert for an opportunity to choke it to death. The absence of a Democratic member from the Assembly Chamber gave the Republicans an accidental majority upon one

occasion, and young Assemblyman Voorhees, of Union, gave the Democrats a big scare by calling the bill up for action. Speaker Hudspeth saw that his purpose was to defeat it, and he sent the sergeants and doorkeepers and pages scurrying in all directions for the absentees while, with repeated roll-calls, he held the minority at bay. Informed at last that they were not within reach, he entertained a motion to adjourn, and declared it carried without taking the trouble to ask for the "nay" votes. His frightened party associates disappeared from their seats and dropped to the ground out of the windows as though the room were afire inside.

The Republicans discovered, a few days later, that the Weidenmayer act was not to be the favored one after all. The repealing act was still in embryo. Senator McPherson, ex-Governor Abbett, Allan McDermott, and the brewers were holding anxious nightly conferences for the perfecting of a bill Senator Werts, of Morris, had outlined. When it had been finally licked into shape, the liquor men were all but pleased with it. It merely repealed local option; it did not interfere with high license, though it incidentally modified the clauses regarding the sale of liquor on the Sabbath. There was doubt whether the Senate could be brought to the making of even this concession.

A single vote represented the Democratic majority in that branch of the Legislature. A political accident had given the people of Cumberland a Democrat to represent them, and this Senator, Baker, was unwilling to aid in the repeal of an act which his constituents had so enthusiastically accepted but a few months before. Warren, too, had declared against saloons, and Senator Wyckoff, her representative, hesitated, in view of her declaration against the saloon, to interfere with the local option end of the law. Wyckoff was easily persuaded to step out of the way. But the Cumberland Senator was more obstinate, and fears were entertained that his opposition would defeat the passage of the repealer.

The Democratic caucus had a whole raft of party bills on their way through the Houses at the time this obstruction was encountered, and the liquor men declared that not one of them

should be advanced a single step till relief had been given them, and the Democratic managers sat up nights with Baker in the hope of bringing him to terms. Such a thing as an out-and-out repealer of the Local Option act he would not listen to, and they worried their brains over the problem till they had worked out a scheme of town option that might please him. It provided that on the petition of one-fifth of the local voters of any township, borough or city where licenses were granted by the Courts of Common Pleas, the court could fix a day whereon the minimum license fee could be determined by popular vote. In most of the municipalities the licenses were granted by local excise boards, and the local option provided in this amendment could be of but limited application; but Senator Baker accepted it with many misgivings, and the bill in that shape was started on its way through the Houses.

The church and temperance people were not inactive while these steps were being taken. The desks of the Clerks in both Houses were deluged with memorials against any interference with the temperance law; and when the Senate was thrown open to the protestants, the speeches made by Rev. Dr. Ballard, Rev. Cornelius Brett of Jersey City, Major Yard of Freehold, Wallace McGeorge of Gloucester, Oscar Jeffery of Warren and Rev. J. H. Knowles of Newark in behalf of the retention of the law were heard and applauded by an enormous throng of people. Their efforts were all in vain, however. The repealing act was whipped through both the Houses as soon as the path had been cleared for it, and Governor Green signed it with as little delay.

The effect of its passage was to negative the local option votes in the counties that had voted in favor of it, and to stop the threatened local option invasion of other counties. The liquor men had escaped the menace of the entire destruction of their traffic in the State; but they were yet far from satisfied. They still persisted in their efforts to destroy the high license features of the act, and filled the seats in the Assembly with men of their own calling in that interest. But the leaders of the Democratic party refused to permit any further modification of the main features of the enactment.

CHAPTER XXIV.

THE LITTLE ROMANCE HERE UNFOLDED IN CONNECTION WITH SENATOR McPHERSON'S LAST ELECTION TO THE UNITED STATES SENATE IS NOT NECESSARILY A POLITICAL ONE; BUT IT IS A TRIFLE TOO PRETTY TO BE LEFT UNTOLD.

THE returns of the election of 1888 showed a Democratic majority in the Legislature of 1889. The Democrats in the Senate were only one ahead of the Republicans, and in the Assembly they had but a single vote to spare beyond a working majority. The death of Assemblyman Short, of Hudson, on the eve of the opening of the session, left them with barely enough votes in the House to control the organization. Senator McPherson's second term was to expire in March, and the filling of the vacancy was to be one of the features of the winter's work. A close Legislature is a ticklish thing for a party to handle in a senatorial year. The disturbances of party plans that a little handful of malcontents can create when the party majority on joint ballot is a small one had been demonstrated by the experiences of the legislative struggles of 1883 and 1887. Senator McPherson, who was seeking a second re-election, was unwilling that a single possible Democratic vote should be lost, and he urged a special election for a member to take the seat of the dead Assemblyman. The more insistent was he because the district from which Short had been returned was strongly Democratic, and a Democratic nomination there was as good as an election.

The unquestioning fidelity of the voters of the district to the Democratic label made the local managers reckless about the worth and fitness of the man whom they set up as their nominee. Their candidate was a stolid-looking fellow, undersized, thick-set, swarthy of face, with short-cropped mustache that did not

conceal his full red lips, and who plastered his hair down upon his forehead. He had the general aspect of a rather good-looking peanut vender. But he was not a peanut vender. Most of the time he was one of Sheriff Davis's tipstaves in waiting upon the Hudson county courts. The rest of it he spent in his barber shop in the West Hoboken region.

He might have led to the end the unconspicuous life his callings had marked out for him and never have been known to fame if a florist neighbor of his had not been the luckless father of a wayward daughter. Her girlish vivacity captivated the barber-constable, and though he had at home a prettier wife who should have claimed his affections, he devoted himself to this newer sweetheart of his till all the town was talking about him. Of a sudden she disappeared. Her heartbroken old father guessed at once the influence that had led her away, but his prayerful entreaties for her restoration were met by his barber neighbor with heartless denials and indifference. And then the white-haired old man tottered out on his cane to search for her. Night and day he went in quest of clues and followed them up to nothing till his feeble limbs refused to bear him further. And way into the hours of the night would he sit in his humble home croning the story of his fruitless travels over to the bloodhound, as lonesome and down-hearted as himself, that lay curled at his feet.

Then the stricken man's sympathies would overflow till they embraced even the dog, and he would murmur Bella's name in abstraction, and ask the brute if he remembered her, if he missed her, without expecting any answer, not noticing, indeed, in the absorption of his own sorrow that he had even asked the question.

But the answer never failed him. At each mention of the name the dog would spring to his feet, and quivering in every muscle with eager expectancy, would gaze at the door as though ready to greet his bright-eyed and fair-haired little mistress as she came tripping over the threshold, to throw herself by his side and circle his neck with her arms again as of yore.

"No, no, boy," the old man would murmur admonishingly.

"Not there, boy. Gone! Dead! Worse'n dead, boy—worse'n dead! On Fourteenth street they say she can be found. But Fourteenth's a long street, and there's many a house on it, and one might as well not know the street as not know the number."

There was such helpless despair in his words, that the dog, moved by the tone, would droop his ears and grow gloomy again and curl himself on the floor and blink and mope the night away, while the old man would live over again in fitful slumbers the events and labors of the day.

"Lie down, Sport! Lie down, sir!"

The old man said it in his dream. But the dog was not to be quieted. He was tugging at the bagged trouser knees of the drowsy florist. The old man, annoyed, opened his eyes to enforce his command. The dog stood before him gazing into his face with beaming eye, his ears alert, his tail whisking. And when he'd barked his drowsy master awake, he dashed off to a corner of the room, caught an ill-shapen cast-off shoe of the missing girl between his teeth, hid it under the cupboard, and scented around it till he brought it forth again and laid it in his master's lap.

The brute was talking in pantomime. The old florist watched his movements with curious eye, but understood it all when the worn slipper was placed gently on his knee.

"You're a Sleuth, Sport. Will you help find Bella for me?" he asked with cheerful voice born of new hope. "You say 'yes' in your bark, Sport. To-morrow I try you."

Sleep was banished from the florist's eyes for the night. He beguiled the hours till daylight by recalling all the wonderful stories about the scent of hounds he had heard from his boyhood up. At gray dawn he was making his preparations for his visit and Sport's, to the thoroughfare in New York about which he had been murmuring in his dreams for days past.

The dog's snout had been rubbed with the worn slipper to point his scent when his master landed with him at the foot of the street through which he proposed to make his quest. The knowing brute seemed to have a keen sense of his mission. He

trotted along with an uninterested air, the old man following whither the string fastened to the animal's collar led him, for blocks and blocks. Of a sudden the dog began to sniff and scent around, sticking his nose into angles around the stoops, at the curbs, in the gutters. The old man's heart throbbed with anticipation. His keen-nosed guide had struck the trail his anxious heart had sought in vain. Closer and closer to the pavement the dog bent; more nervous and eager and erratic became his movements as he darted here and darted there—to railing, to gutter, to crosswalk—as though he feared the scent would escape him, sniffing, panting, throbbing, with low satisfied growls between, quivering in every muscle, his pace growing quicker and quicker as the trail grew warmer, till in his frenzy he had forgotten all about his old master and the string that tied him to him, and he was dragging the feeble man down the street on a trot to which his cracking limbs had not been accustomed in many a day.

And now he stops to smell around the steps of a stoop, and around the iron post at its foot, till with a bound he springs to the cap-stone and plants his two paws firmly against the closed doors. The old man knows his search has ended—and there in that house is his wayward girl.

Of course he took her home with him, but the barber's spell over her had not been broken, and it was not many weeks before she tore her stricken father's heart again by a second disappearance. The disheartened florist started on a new voyage of discovery, but not a ray of hope brightened the prospect. He couldn't even learn that she had gone to New York, and in utter despair he dropped his hands by his side and decided to await the turn of events.

Lying in a woods not far from Bella's home, the body of a beautiful girl was found some weeks later. Her skull had been crushed in with a stone. Her bonnet had been torn from her head. The brush around showed the evidence of a fierce struggle. The country was startled by the brutality of the crime and interested in her fate because of her beauty. The mangled form was carried to Crane's morgue, in Hoboken, and

placed on a slab in the dark and damp basement that served as the dead-room. A feeble gas-jet that flickered above her form lent weirdness to the scene. Attendants folded her small hands over her breast, and thousands of people—some anxious and apprehensive, some merely curious—streamed down the stone steps into the dimly-lighted crypt to see if they could tell who she was and whence she had come. None knew her. No one had ever seen her before.

A gray-headed man, bent with age and leaning on a stick, was among the last to totter down the steps. He halted by the side of the bier, with its pallid, upturned face and interlocked fingers. He drew the rubber cloth that covered her face tenderly back, and examined teeth and ears and hair. Then, with trembling fingers, he turned the cover another curl, unfastened the waist, and peered at the underwear. A red sack that covered the bust unnerved him.

He sank back against the wall.

"It's Bella!" he moaned. "Poor Bella! He's murdered you at last, my girl."

The whole of North Hudson was ablaze with excitement the moment the identification became known. Vigilance committees started out to search for the suspected barber. He was not at home, and his wife was told to warn him to produce the missing florist's daughter or take the consequences. The criminal authorities of the county heard the story and lost no time in acting. Prosecutor McGill was ready to spring a charge of murder upon the girl's abductor. Ex-Judge William T. Hoffman appeared as sponsor for the suspected fellow.

"I have assurances," he declared, "that Bella is alive."

"Let her be produced, then, before five o'clock this evening," the Prosecutor responded, "or we'll arrest your client for her murder."

The constable-barber consented to pilot the searching party. The one condition he exacted was that the girl's father should not accompany them. He was afraid of the old man's vengeance. No one save the constable knew Bella by sight. Coroner John R. Wiggins, who was one of the detail, armed himself, for a

guard against deception, with the worn shoe with which the old man had once pointed the bloodhound's scent, and accompanied the searchers across the river. The house to which he escorted them was brilliant with light from top to bottom. Sounds of revelry greeted their ears as the door swung open at their summons. The music of a piano mingled with the clink of glasses, with peals of laughter, with hilarious snatches of song. Women and men were holding high carnival in the handsomely-appointed parlors. The constable stepped to the middle of the room.

"Bella!"

A bright-faced girl with crinkled blonde hair falling in wavy sunshine over her shoulders, recognized the voice, and, dashing from the throng, tripped gaily to him.

"Are you Bella?" Wiggins asked.

"Why, of course I am," she responded naively, with a tinge of wonderment in her voice.

"If you are, this shoe will fit you," the Coroner pursued. "Would you mind trying it on?"

It was the old story of Cinderella again, except that the slipper was not of glass, but was rather a decrepit specimen of a house shoe, bulging at the side and run over at the heel. The Coroner knelt to unfasten the buttons that held the high-heeled fashionable gaiter to her shapely foot and try the other in its place.

"It fits like a glove," he said when he had adjusted it. "There is no doubt, gentlemen, that Bella's body is not in the morgue at Hoboken."

Of course the old man had known it was not Bella's corpse when he viewed it. His identification was but his ruse to force the abductor of his child to make revelation as to her whereabouts. It was many weeks before the authorities learned who the unknown victim of violence was. Her identity might never have been uncovered but for the skill and energy of a young newspaper reporter, Augustus A. Seide, who traced the woman by a bit of newspaper that lay upon the ground by her side, and who, in the end, brought her brutal murderer to the gallows.

In spite of the fact that this story was laid bare among the voters, the stolid community which the Lothario constable barber desired to represent sent him to the Assembly to make its Democratic majority there more safe.

At the opening of the session, both Houses were in control of the Democrats. Senator Werts, of Morris, was chosen to the Presidency of the Senate without opposition. After a canvass in which Assemblymen Frank M. McDermit, of Essex, and Hudspeth, Feeney and Heppenheimer, of Hudson, were the candidates, Hudspeth mounted to the Speakership of the Assembly. When the Democratic joint caucus was about ready to assemble, the re-election of Senator McPherson seemed to be one of the foregone conclusions. Mr. McPherson had made the canvass for the Senatorship by leading the campaign, and it was his generalship that had brought two Democratic Houses to Trenton to fill the vacancy. The Republican gerrymander of the Assembly districts was an obstacle that was not easy to overcome and he had not been over-willing to undertake the labors of the fight. But the Democratic leaders had urged him into the campaign, reminding him of the honors the party had paid him by twice electing him, and insisting that he owed to it at least the inspiration and boom that his known ambition for re-election would impart to it. That, after being thus prodded, he had made a successful fight, was shown by the Democratic majority that was now gathered in Trenton to name the Senator for the new term; and there was general agreement that his re-election was the fitting reward of his labors.

As the time for the holding of the caucus approached, however, whispers crept abroad that his nomination might not go to him so unanimously as people had expected. There was an ominous quiet among the friends of Governor Abbett. They were not active enough in Senator McPherson's behalf to indicate a loyal adherence to his cause. Senator McPherson was not disquieted by their apathy till it was supplemented by intimations that Governor Abbett himself was preparing to enter the lists against him.

The situation was so uncertain that the Republicans hoped to profit by it in spite of the adverse majority that confronted

them, and in the Republican joint caucus Senator Nevius, the one-armed veteran who represented Monmouth, advised that no candidate be selected for the present. Senator Gardner, of Atlantic, protested against delay, and notwithstanding Senator Nevius, the caucus proceeded to the selection of a candidate. Captain Smith, one of the Camden Assemblymen, presented General Sewell's name; Senator A. F. R. Martin, of Essex, submitted the name of ex-Congressman Geo. A. Halsey. General Sewell had a majority of the votes, and was declared the nominee.

Meanwhile, the whisper of Governor Abbett's candidacy had grown to be more than a whisper. He had stepped boldly into the open and announced himself. The course of legislation for the last two or three years had summoned a new factor in State politics to his back. The Baltimore and Ohio Railroad Company, which had been using the New Jersey Central Railroad Company's line and terminal facilities to reach New York, had broken its contract with that company. It had laid its plans to cross the State to a point near Perth Amboy, and then bridge the Kills to Staten Island, run thence to the south shore, and convey its passengers across the bay from Staten Island on ferry-boats.

Under the General Railroad law the company had the right to construct its line across the State, but when it reached the water-front at the Kills it was confronted by the absence of legislative authority to bridge. Its plans contemplated the resting of its westerly abutment on the Jersey shore. This being impossible without invading the riparian prerogatives of the State, it had sought relief at the hands of the Legislature. The Pennsylvania Railroad lobby offered bitter opposition. The struggle was a renewal in another form of the old railroad rivalry that had ended in the passage of the General Railroad law in 1872. Governor Abbett had not been unfavorable to the granting of the franchise it sought, and it was this great corporation that came to his back now and made him a formidable candidate for the Senatorship against Mr. McPherson, whose friendship for the Pennsylvania Railroad Company was everywhere known.

A "still hunt" had been made in Governor Abbett's favor, and Senator McPherson's friends were on the edge of allowing the caucus to meet when, to their surprise, they discovered that Abbett had a majority of the votes in it.

There had been a short session of the House one Monday night, and the announcement was made from the Speaker's chair that the caucus would take possession of the Assembly Chamber immediately after adjournment. Mr. McPherson's friends had not the faintest conception of Mr. Abbett's strength, and as soon as the Republican members had left their seats the Democratic Senators were admitted to the Chamber and the doors were locked. The caucus was about to be called to order when a precautionary count of noses showed that Abbett was far in the lead. The stunned McPherson men were thrown into confusion. But they had an advantage in having the Chairman of the caucus with them, and he abstained from calling the caucus to order while McPherson's agents hastened to the Chamber to buttonhole and argue with members. The State House has seldom witnessed such a lively hustle as the floor of the Assembly Chamber presented for the next half hour. Within that half hour the whole aspect of the situation had changed. Mr. Abbett had lost some of his votes, his majority had been destroyed, and, on the roll-call, Mr. McPherson had 25 of the 43 votes.

Those who voted for McPherson were Adrain, Baker, Bigelow, Bogart, Cutter, Davis, Donnelly, Edwards, Fagan, Farrell, Francois, Hudspeth, Kalisch, Kane, Klotz, Mallon, Naughright, Newell, O'Neill, Pfeiffer, Potts, P. D. Smith, Trimmer, Werts, Wyckoff.

For Abbett were Bale, De Ronde, Everitt, Feeney, Heppenheimer, A. A. Higgins, Hoover, Keys, Marsh, Martin, McDermit, Mutchler, Norton, Patterson, Schmelz, Schroth, Trier, Weidenmayer.

On the following day, when the two Houses voted separately for Senator, Mr. McPherson was elected in each, and all that it was necessary to do in the joint meeting of the next day was to read the journal and formally declare the result. When the House vote was taken, Mr. McDermit put Abbett in nomina-

tion in spite of the caucus decision favoring McPherson, and he probably would have voted for him but for the fact that Mr. Heppenheimer announced in the Governor's behalf that he was not a candidate.

Mr. McPherson was the only Jerseyman who had been honored by a third term in the United States Senate. At the expiration (in 1895) of the term for which he was now elected he had served the State in the greatest legislative body in the world for eighteen continuous years. Mahlon Dickerson, who served from 1817 to 1833, was the only one whose service came anywhere near Mr. McPherson's in length. Jacob W. Miller, who served the twelve years between 1841 and 1853, and Samuel L. Southard, with two years to his credit between 1821 and 1823 and nine years between 1833 and 1842, comprise the list of those who were honored with more than one term. John P. Stockton, however, was favored with two elections, from 1865 till he was unseated in 1866 by Alexander G. Cattell, and then for the full term between 1869 and 1875.

Governor Abbett was not by any means as badly disappointed by his defeat this time as he had been by that of a few years before. He probably had had no large notion of his ability to distance Mr. McPherson, but he had set his eye determinedly on the Senatorship of 1893, when Mr. Blodgett's term was to expire; and it was probably with a view of keeping himself in shape for that historical struggle that he had decided to measure swords with McPherson on this occasion.

CHAPTER XXV.

WHICH SHOWS THE ORIGIN OF THE BALLOT-BOX STUFFING RING, AND HOW ITS INVASION OF JERSEY CITY WAS ALMOST DEFEATED BY SENATOR PETER D. SMITH'S GUNNING EXPEDITION INTO A SOUTH JERSEY SWAMP.

NOTWITHSTANDING that its personnel was fairly good, the Legislature of 1889 won the reputation of being one of the most rapacious that had ever sat in Trenton. Even the newspapers of the party that dominated it declared that it "put the State in the grip of the devil." Partisanship was its inspiration from the commencement of the session until its close. One of its acts devised an Assembly gerrymander that made that body even less representative than it had been allowed to be under the Republican gerrymander. It repealed some beneficial election laws that the Republican Legislature had passed—like the personal registration act; and other election laws of a more partisan flavor that the Republicans had enacted—like that aimed at the workingman's vote, which directed that the polls, ordinarily open until seven o'clock in the evening, should close at sundown. It devoted an entire week to the passage of a bill overturning the whole licensing system in towns for the aid of a saloon-keeper in a Warren county village the authorities of which had refused to permit him to open his doors. But that was only a type of its legislation. There was scarcely a locality that escaped ransacking in the search for partisan spoils; and changes of system were made in local governments, as with a kaleidoscope, to secure the most trifling party advantages. The revolutionizing of the municipal system in Jersey City was the most important and far-reaching of its partisan activities in this direction.

Governor Abbett's announcement, at the time of his formal acceptance of the gubernatorial nomination in 1883, that the men who did the work should have the offices, had been vitalized by the bestowal of all the places within his gift upon the spoilsmen of the party. He had made his battle for the supremacy over the "kid-glove aristocrats" of the old State House regime in the name of the laboring men of the State and on the plea that they had been denied the participation in party councils to which their voting strength entitled them. When the battle had been won on these lines, the honest wage-earners were pushed aside and the recognition he had asked for them was conferred in their name upon a breed of low-grade professional politicians who had nothing in common with them except that they were needy. It was not so much that he had lifted men of humble origin from lowly stations into positions of prominence and power, as that the men whom he thus elevated were of ignoble ambitions, self-seekers and in politics for what it was worth. The legislation that benefited that class had his readiest assent; and through his countenance of the series of acts by which local governments everywhere were re-organized, he assisted this unworthy throng to reach out for the control of the communities all over the State.

No county in the State so quickly reflected this change of base in party politics as Hudson. Bills that had been passed during Mr. Abbett's first administration had enabled the ward-heeler and the creature of the slums there to crowd themselves into many of the public places; and the local offices were overrun, as the State places were, by a rabble of cheap sports and bar-room loungers who looked to the spoils of place for their living.

The social and political upheaval that brought this element to the front and relegated all the better men of the party to the rear in the county, was personified in the domination of four typical local leaders. They were Robert Davis, Dennis McLaughlin, John P. Feeney and Patrick H. O'Neill.

McLaughlin was a shrewd and frank kind of a fellow who ran a news stand and cigar store in a little shanty in the upper part of the city. His newspaper route extended in every direc-

tion through the tenement district that surrounded him. A man of sober habits, attentive to business, good-natured and genial, he easily made friends, and his dingy little shop soon became thronged with those who managed the primaries in the district. When in these smoky councils they decided to make a long pull and a strong pull and a pull all together for a favorite seeker after a political place, it was "Denny" whom they sent out to be their spokesman, and from his success in securing appointments he came to be looked upon eventually as something of a local boss.

Feeney was one of his satellites. He, too, was whole-souled, with a rough and hearty air well calculated to make him popular among his kind. There is a tradition that he was driving a wagon for a living when McLaughlin discovered him and took him to his bosom as a man after his own heart. McLaughlin had already succeeded in laughing and talking himself into an Assembly seat, and Feeney also managed to "jolly" himself into the Legislature of 1889 as the representative of the same district.

Davis was a gas-measurer, whose business it was to take the state of the meters in the houses in the south part of the city for one of the local gas companies. He made his home in a shabby tenement on Bright street, in Jersey City. He was very short of stature and very stalwart of build, and had apparently been stood upon his legs too early in life for his physical beauty. He was very broad at the shoulders, and above them was a round bullet head, fronted with a shrewd, cold, livid face. He talked little but thought a good deal, and though a man of no education whatever, was looked upon as of exceptionally keen natural parts.

O'Neill was glad to earn $60 a month as a messenger in the office of James H. Love, the Republican City Collector of Jersey City. He had been a drummer-boy during the Rebellion, and though a young man still, was yet pardonably proud to be known as a veteran of the war. The nature of their business brought him and Davis into contact with throngs of citizens, and, because of the help their wide acquaintanceship

enabled them to give incidentally to the candidates for office, they came to be looked upon in that particular part of the city as of some value among election-workers. With McLaughlin and Feeney in the north end of the city, and these two in the south end, The Big Four, as they were locally called, found it possible, by combining their forces, to exert a decisive influence in the city and county conventions; and eventually it came to them that they might utilize the power they thus found themselves possessed of for their own emolument and advancement.

They were shrewd enough to see that the Sheriff's office was the pivotal one in the manipulation of county affairs. The Sheriff is the executive officer of the courts. All of the court's orders are entrusted to him for execution. But his essential function in the development and perfecting of the scheme the combination had in view was that of selecting the grand and petty juries. The grand juries are the agencies through which men guilty of crime are presented to the courts for trial. If the grand jury indicts, the courts can try. The failure of a grand jury to indict is an impassable barrier to the trial and punishment of any criminal, however guilty, or whatever his offense.

Robert Davis.

In the selection of a grand jury the Sheriff therefore held great power. He could protect his friends by drawing juries that would refuse to indict them, and punish his enemies by having his grand juries present them even though they were

innocent. Grand juries in Hudson had been known to play with justice in this fashion; and when Robert Davis announced himself as a candidate for the nomination of the Democratic party for Sheriff, it was easily guessed that he was seeking the office for the opportunities it offered for just such an abuse of its great prerogatives. This suspicion was intensified when the character of the men who supported his candidacy was observed. Every man of shady occupation in the county was his hot advocate, and there seemed to be an instinctive realization among the people that he was going to the Sheriff's office as the pledged protector of vice.

Public distrust was so deep and public alarm so great, that party lines were lost sight of in the agitation his candidacy provoked; and, after a convention packed with his followers had made him the nominee of the Democratic party, bodies of Democrats flocked to the Republicans for escape from his election. As the county was Democratic, there was an idea that the nomination of an independent Democrat against him might withdraw from his support a sufficient Democratic vote to insure the success of an opposition candidate.

When the Republican county convention met, another convention representing these drifting independents of the other party was in session to confer with them. The Republicans agreed to defer the selection of a candidate until they had learned the desire of the opposition Democrats, and the result was a fusion movement and the nomination of Cornelius J. Cronan as Davis's opponent. Cronan was a Democrat, who had served one term as Sheriff, but he had also done duty under Republican Sheriffs as their Chief Deputy with great acceptability; and the announcement of the coalition upon him was received with an enthusiasm that seemed to be a harbinger of its success.

Davis was alarmed at the wholesale desertions from his party and he began to lay plans to offset them by taking from Cronan some of the Republican support upon which he counted. Before a week had gone by he had succeeded in getting together a little handful of Republican allies, who professed to be dissatisfied

with the presence of a Democrat at the head of their county ticket. Setting up a hue and cry that Republican voters demanded a straight Republican nominee, they entered the field with David W. Lawrence, once a city Police Magistrate, as their candidate.

The battle conducted on these lines was one of the bitterest the county had ever seen. Lawrence divided the Republican vote with Cronan, but not to as large an extent as the Davis managers had anticipated; and there was no doubt among the election experts when the polls closed that the anti-Davis fusion ticket—and Cronan—had won. All of the polling-places in the county had been manned by Davis's own appointees, however, and the figures returned by this suborned crowd showed the election of Davis by a narrow majority. There was scarce a man in the county of either party but knew in his inner consciousness that Davis's heelers and adherents at the polls had fraudulently counted him in; and hosts of Cronan's friends urged him to uncover the frauds by demanding from the court a recount of the ballots cast throughout the county. Not a man of large means, however, Cronan did not feel that he could incur the pecuniary outlay that such an investigation would require, and so it happened that, within ten days after he had been declared elected, Davis assumed the duties of the shrievalty of the county.

Cornelius J. Cronan.

His succession to the office was the signal for aggressive activity, in political and official circles, of whole rafts of dis-

credited men. They had been tempted to the surface by the understanding that as long as they kept themselves "solid with the Sheriff," he would see that they were protected from the pursuit of the courts by his grand juries. No community had ever suffered such an invasion. The spectacle was one that enforced the demand for a change in the system of selecting members of this important body; and the Republican Legislature of 1888 took the function out of his hands and directed the Judges of the courts in the several counties to appoint special commissioners in each to name the grand juries. Almost the first thing that the Democrats did, on regaining control of the Legislature in 1889, was to repeal the Commission act and restore the power of naming the grand juries to the Sheriff.

Hudson county was thus again placed at the mercy of the gangs. Saloon doors were thrown wide open on Sunday, and the ears of passing church people were offended by the sound of clicking glasses and the noisy revelry of the roystering crowds within. Gambling-houses sprouted up all over. Pool-sellers, banished from New York, ran their places with swinging doors on the chief thoroughfares. Policy-shops were on every hand. Sharks and sharpers trapped the unwary at every corner.

And no one was ever brought to justice.

The Jersey City charter incident of the legislation of 1889 gives color to the suspicion that the protection of these smaller irregularities was not the chief object for which the control of the Sheriff's office had been seized. The subsequent history of events scarce leaves room for doubt that the greater end they had in view was the invasion of the municipal treasuries. Jersey City, with her complicated municipal system that gave employment to a small army of retainers and placemen, and her $100,000,000 of taxable assets, became the object of a most earnest and determined attack. The combined Four had already succeeded in securing the control of the chief of the city offices by the advancement of Orestes Cleveland to the Mayoralty, and now, in 1889, with a Legislature of their own

kind to aid them, they began to lay their plans to make him the central power in the management of city affairs.

Mr. Cleveland was no longer the rich and powerful man he had been. The Dixon Crucible Company, which had yielded him a large income, had been led into financial embarrassments and under circumstances which led Mr. Cleveland to prudently seclude himself from the public eye. When, after the lapse of several years, he thought he might emerge from the cloud which had enveloped the failure, he started out to rehabilitate himself by seeking political positions. The first one within reach at the time was the Jersey City Mayoralty. Nominations for that office had not gone by favor, but, though a poor man and without money to spend, Mr. Cleveland was not discouraged in his pursuit of that shining distinction. He went among "the boys" who had been the recipients of his hospitality in his more prosperous days, reminding them of what he had done for them, and made a sympathetic canvass among them for their aid and support. "The boys" were not wholly ungrateful, and this "handkerchief campaign," as they jocularly called it, was a success. He was given the nomination and elected. And, in their plans for the seizure of the city government now, they felt assured of his co-operation.

The device by which they expected to work out their aim contemplated the displacement of the Republican hold-over officials who still stood guard at the doors of the treasury, and the replacing of them with a more complacent lot of friends of their own whom he stood ready to appoint at their bidding. This could be easily enough accomplished by the passage of an act ending the terms of all the men in the public places in the city and conferring upon the Mayor the power of naming their successors.

The conditions were not unfavorable to such a revolution in the municipal system. The government in Jersey City was still a modified form of the old system of legislative local commissions with which the Republican ring of the early '70's had taken possession of the city. The commissions were yet in control of each department—not appointed, as at the start, in a

partisan joint meeting at Trenton—elected nominally, but upon the basis of a partisan Republican gerrymander of the city wards that enabled the Republicans to hold control of them. Their domination was distasteful to the overwhelming Democratic sentiment of the citizens, and there had long been a desultory and intermittent series of agitations for a change that would enable the party in the majority to come by its own. The city's new invaders utilized this sentiment and intensified it by prearranged newspaper clamor till it had crystallized; and then they began to frame a new charter for the city upon the lines most agreeable to their purposes.

Brooklyn had just taken on the one-man form of government they had in mind, and Seth Low's Mayoralty there had made the system so popular that it was presumed Jersey City would eagerly embrace it. There was yet the chance that the revelries of waste and corruption in which they expected to indulge might arouse the people to put an end to the saturnalia by electing a Mayor who would refuse to serve them. But suppose the ring were to re-elect Cleveland by sending confederates who would stuff the ballot-boxes in his interest to the polling-places when the new election came around! What could the people do about it?

Well, they could send the ballot-box stuffers to State Prison. But that contingency was already met by the fact that the grand jurors who must indict them and the petty jurors who must convict them were to be chosen by a Sheriff in sympathy with them; and, of course, he would protect his own.

The plot had been carefully worked out to these conclusions when the smooth-tongued Edwards, representing Hudson county in the State Senate, submitted the One-Man-Power bill to his Democratic colleagues from Jersey City in the Assembly. He found them in a hesitating frame of mind. Speaker Hudspeth looked askance at it. Others of the local delegation refused to consider it till they learned how it was going to profit them personally. They were promised one office after another under the re-organized government for their votes, and the bill was finally progressed toward enactment.

The moment it reached the committee-room, it encountered another obstacle. To evade the State Constitution's requirement that all municipal legislation shall be by general act, Senator Edwards had drawn the bill in general form. In that shape it overturned not only the local government of Jersey City but the local government of Newark as well. And Newark was not yet prepared to thus place herself at the mercy of a single man—though later a similar group of public managers led her into the same trap. But just now things were not ripe for the institution of the system there, and her members would consent to no change in her form of government. The difficulty was eventually overcome by an amendment that the act should be effective only in the cities that accepted it by popular vote. Newark would take no step toward accepting it, and it would not reach her. The Jersey City plotters were prepared to see it submitted to popular vote at the charter election there and put through at all hazards.

William D. Edwards.

The charter election was to be held on Tuesday, April 3d. It was late in March before it had been found possible to adjust all differences and start the bill on its way through the Assembly. Its passage there was provokingly slow, and it was not till the Thursday before the charter election that it was put through the stage of final passage in the Assembly Chamber. It was necessary that sufficient public notice of the special vote should be given. It had been reduced to three days. Only on the assumption that the bill could be pushed through the Senate on the following day was

even three days' notice possible. The Assembly Clerk rushed the act to the Senate Chamber at once. The Republicans objected to its immediate consideration, and under the rules it had to lay over without action till the next day. Then a single objection could avail to prevent its being put through two readings in one day, and the anxious crew were fearful that it could not be enacted in time for the charter election. They had nothing to do, when the objection to its immediate consideration was made, but to let it cool for a day and trust to luck for the rest.

John P. Feeney.

Friday came all too slowly for them, and when it broke they learned to their consternation that Senator Peter D. Smith, of Sussex, was not among the present. The Senate had eleven Democrats and ten Republicans in it. With Smith out of his seat, the Senate was tied politically, and the passage of the bill was impossible.

No one knew where Smith was. Colonel Dickinson, the chief of the Republican opponents of the bill, laughingly confessed to the foiled plotters that he had hidden Smith in a distant woods where he could not be found. Messengers were scurried in all directions for him. They came back without tidings. Mrs. Smith was importuned by telegraph to flash back his address with the return spark. She only answered that the dispatch of inquiry was the first intimation she had had that he was not in Trenton. The day had advanced to noon before they learned that he had gone on a hunting expedition into the pines near Manahawken, in Ocean county.

Dispatches sent to him there brought no response, and Assemblymen Feeney and O'Neill were deputed to go after him.

It was a circuitous route to Manahawken from Trenton. Four or five changes of cars at little cross-road stations were necessary. To pass either one of these change stations was to be carried into Philadelphia or landed at some inaccessible point in Cumberland county. Senator Pfeiffer, of Camden, accompanied them to see that they missed none of the necessary connections. They did not fail to observe as they traveled, that Senator Cranmer, of Ocean, one of the Republican minority, was on the same train, and that as often as they changed he changed. He protested that he was merely on his way home for the recess, "though when we asked him one time," said O'Neill, in telling the story, "how to go to Manahawken, he gave us a crooked steer."

Chaperoned by the posted Camden Senator, the two anxious statesmen reached Manahawken, only to find that the man they sought was buried in the marshes at Harvey Cedars, miles and miles beyond. It was then nine o'clock at night. The last train had left and the last of the night-owls that congregated at the tavern were preparing to go to their cabins.

"I was interested to learn that the gentleman who kept the hotel was named Lippincott," O'Neill remarked, "and that he was a cousin of Judge Job Lippincott. I told him my story, but he said he could think of no way to help me out.

"'Can't we walk to Harvey Cedars?' I asked him.

"'Why, it's pitch dark,' was his answer, 'and in your path is a trestle bridge a mile long, with a draw two hundred feet wide that's always open at night. If you could pick your way through the woods to the bridge, you'd fall through the sleepers when you reached it.'

"A hand-car lay on the track near the tavern. Why not use that? The man in whose care it had been left refused to allow it to be moved. We telegraphed to the President of the Road for his consent, and his answering dispatch placed the car at our service. When everything was in readiness, we leaped to the top of the car platform. The night was as cold as it was

dark. Several insisted on going with us, and there were nine men crowded on that flat-car into a space scarcely large enough for four. As the motor-men pumped at the handle that drove the machine they were in danger of knocking one of us off with their see-sawing arms and elbows. There was not a ray of light, and we had to call the roll every five minutes to assure ourselves that no one had dropped his grip in the cold and been lost in the dark. The ripple of the waters alone admonished us when we reached the bridge. One of our attendants almost lost his life climbing down to use the key that swung the draw to. He did it and we passed on in safety. It took us two hours then to get into Harvey Cedars. When we struck the inn there, the bar-room was alive with fishermen and hazy with the smoke of their pipes. Smith was not among them.

"'Where is he?' we asked.

"'In bed,' was the response.

"Well, now, it didn't take us long to rout him out, and bid him prepare to go back with us to Manahawken on that hand-car. Hunting-boots and game-bag and corduroy coat and short pants were hustled on him in a twinkling, and stopping only for a warm supper we hastened back to the cross-roads station at Manahawken with him."

Smith explained on his way back that Senate President Werts had on Thursday granted him a leave of absence, and that he had left on his hunting expedition without the remotest idea that his services would be needed during the week again. An hour after he had been hurried away from the Cedars, a yacht chartered by the Republicans sailed to the landing to carry him even farther off from his pursuers.

It was usual for the Senate to close its session for the week on Thursday. It had been held over till Friday this week to act on the charter measure. It was delayed till Saturday to await Smith. The Sussex Senator was an object of more than political interest when he reached the capitol building. He was in his unique hunting costume when he walked to his seat in the Senate Chamber between twelve and one o'clock on that fateful Saturday to say "aye" to the passage of the new charter and

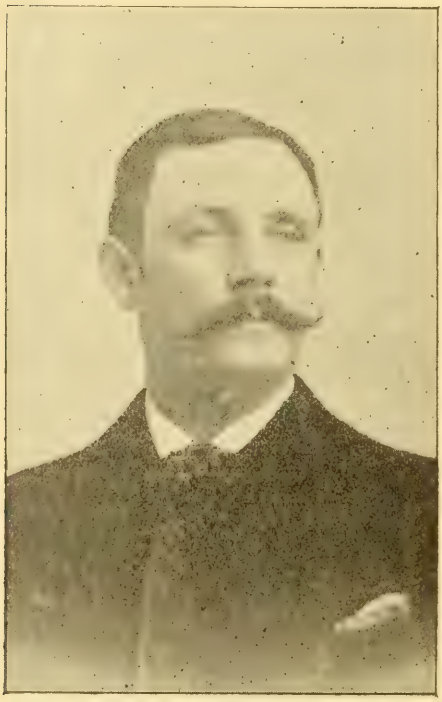
make the eleventh vote needed to send it to the Governor's hands. Couriers hastened with the act to the Executive Chamber, and within twenty minutes it had received Governor Green's signature.

It was a serious legal question whether, between that noon of Saturday and the election Tuesday following, the three days' notice of the election which the bill required was possible. But Mayor Cleveland's brother, Jeremiah B. Cleveland, dashed off to a train with the act and arrived in Jersey City between three and four o'clock. It was necessary that City Clerk John E. Scott should publish the notice in the local papers of that afternoon to be at all within the meaning of the law. The papers had all gone to press for the day. But their editors were persuaded to run extra editions to make the notice public. Popular suspicion had been aroused by the eagerness and precipitancy with which the scheme was being perfected, and the Sunday and Monday left for discussion among them showed a marked sentiment against it. But there were the men at the election boxes to make up any deficiency in the vote, and when the ballots had been counted on Tuesday night an apparent majority in favor of the acceptance of the new form of government was revealed by the face of the returns.

Mayor Cleveland was now master of the situation. He had every office in the city at his disposal. If he could have risen to the magnitude of his opportunities, he would have won lasting honor for himself and conferred lasting glory upon Jersey City. But he was so tethered around with engagements and pledges that he had no free will in the formation of the new government; and he placed the gang that had passed the bill in control. He began by rewarding the men who had voted for it in the two Houses. Senator Edwards was made Corporation Counsel and Speaker Hudspeth Corporation Attorney. Assemblyman Feeney was placed in control of the Police Department. Assemblyman O'Neill was made chief of the office in which he had been serving as a messenger. Assemblyman Norton was given a police court clerkship. A friend of Assemblyman Heppenheimer was made a member of the Tax Board. Assem-

blyman Peter T. Donnelly alone refused to receive any reward for his vote. The rest of the public places were filled with confederates of the Ring, and the plot to seize possession of the city treasury was consummated by success.

All their plans would have been nipped in the bud by the election of a Mayor not in sympathy with them, in the spring of the following year, when Mr. Cleveland's term expired.



Patrick H. O'Neill.

With the aid of a packed convention, Mayor Cleveland was put in nomination again. There were signs of revolt on all sides, and in the belief that the anti-ring Democracy would aid their candidate, the Republicans were unusually careful in selecting their nominee. George F. Perkins, a wealthy Bergen avenue business man, was chosen; and it became an open secret, after Perkins had failed of election, that Mr. Cleveland was saved from defeat only by the frauds of exposed ballot-box stuffers. It was not till the gangs of plunderers broke into two factions two years later, and engaged in a quarrel over the spoils of place, that the people succeeded in taking the control of public affairs out of the hands of the lawless mob by the election of Colonel P. F. Wanser to the Mayoralty.

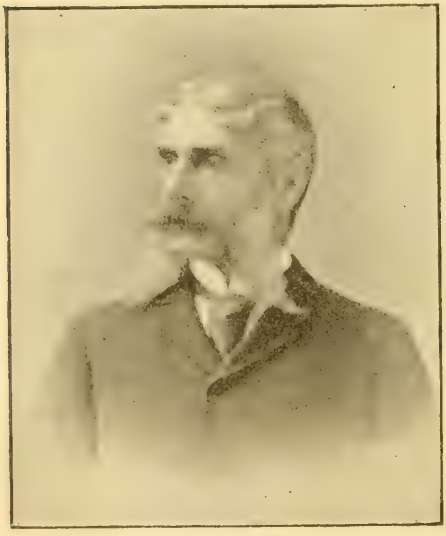
This consummation was not reached, however till most of the

members of the combine had grown rich. Feeney figured as the purchaser of mortgages and of houses. Davis moved from the tenement attic in which he had been making his home to a home all alone by himself on Grove street. O'Neill, with a lively sense of the hardships with which the want of an education had surrounded his own career, sent his children to the aristocratic schools. The decline of the public morals was shown by the acclaim with which the Y. M. C. A. of the city hailed him to its membership when he consented to join. McLaughlin bought whole rows of brownstone fronts, and, closing his little shop on Pavonia avenue, moved to a handsome and capacious brownstone front on Hamilton Park, though it must be said for him that his wealth came from the race-tracks and not from participation in public plunder. What was true of them was also true of their satellites in smaller measure. Bar-room loungers of the era before the inauguration of this carnival of corruption indulged in champagne sprees and rode in chaises.

CHAPTER XXVI.

WHEREIN GENERAL GRUBB MEASURED LANCES WITH GOVERNOR ABBETT, AFTER JOHN Y. FOSTER AND J. FRANK FORT HAD CROSSED SWORDS ON THE INDORSEMENT OF THE LOCAL OPTION LEGISLATION.

THE vicious atmosphere that was thus made to overspread Jersey City soon enveloped most of the other municipalities. Parvenu leaders sprang up everywhere. Entrenched by being made the recognized dispensers of State patronage, they became the heroes of the heelers and of the parasites of the party. To perpetuate their dominion they linked arms with everything else that was disreputable in the State, in a movement to capture the new Governor and to control the new Legislature. Several new race-tracks, that invited uncanny crowds which the people were disposed to drive back, had been planted all over the State's soil and the jockeys became their allies. The liquor men dissatisfied with the existing laws governing the traffic, joined in, in the hope of securing something more favorable.



Gen. E. Burd Grubb.

Leon Abbett, having introduced the new throng to the scene of action, was now asked to take the Governorship again to lead

them in their new conquests. He was a consenting party for the reason that, at the expiration in 1893 of the term for which it was proposed to nominate him, Rufus Blodgett's successor in the United States Senate was to be chosen. To be at the head of the State was to command opportunities and dispense patronage that would aid him to the achievement of his ambition to be that successor himself.

When the Democratic convention met in Trenton, in September, 1889, to name the Democratic candidate for Governor, his was the only name talked of among the party workers. There was but one trifling interruption of the programme. An Anti-Ring organization that had been formed in Hudson county had elected delegates to the State convention. Led by William B. Rankin, a Philadelphia politician who had been Governor of Washington Territory under Buchanan and finally settled down in Jersey City, and by ex-Speaker Rudolph F. Rabe, who broke a privacy of many years only to do battle against the crime that had become rampant in the county, this little handful of zealots demanded recognition at the hands of the convention as the representatives of the honest Democrats of the county. They expected to be unceremoniously barred out, and their expectation was not disappointed. They retired in high dudgeon, threatening all sorts of awful things; but after the convention had by acclamation put Abbett in renomination they gave him their formal indorsement.

The Republicans held their convention a week later, for the selection of a candidate with whom to confront Abbett. The signs of victory were not discouraging, and several ambitious lights of the party were aspirants for the convention's favor. Frank A. Magowan, who had carried the Democratic city of Trenton as a Republican candidate for Mayor, was the most aggressive of them all. John Kean, of Union, was another who beamed smilingly upon the assembled delegates. General Sewell, who was a master hand in turning the drift of the tide, was favorable to neither. He was inclined to humor the aspirations of General Edward Burd Grubb, a Spanish-faced grandee with Dundreary side-whiskers, who lived on a baronial estate in

Burlington county. Essex county had sounded the tocsin of war upon General Sewell's supremacy, because he had slighted one of her ambitious sons (William R. Williams) to make ex-Senator Large, of Hunterdon county, the Collector of the federal revenue in the north section of the State; and she was planning to spring ex-Congressman George A. Halsey upon the convention. But General Sewell was at the helm and he held the rudder chain with a firm hand. Captain Kirkbride, a Burlington blacksmith, won State-wide renown as an orator for the stirring speech in which he presented General Grubb's name to the convention and carried him triumphantly to the head of the ticket.

John Y. Foster.

The delegates had more trouble in laying down the line of battle than in selecting the man who was to be in command. The local option question was a disturbing factor when the platform on which General Grubb was to stand fell under consideration. The political results of that move had not been gratifying to Republican hopes. One Legislature had been sacrificed to it, and it menaced the party with the entire loss of its prestige. Especially did the Essex delegation fear the effect in that county of an adhesion to the policy of that bill by the party of the State.

It was reserved for two Essex men to marshal the opposing forces when the issue was before the convention for settlement. John Y. Foster had been the warm advocate of local option when it was first proposed. He was its earnest and eloquent champion still. Editor, publicist and churchman, he had stood for all

that was best and highest in the aims and purposes of the Republican party. His persuasive oratory had made him a forceful factor in its councils; and he went to Trenton hoping to press through the convention a subtly-framed resolution indorsing the temperance legislation of 1888, which he carried in his pocket.

Ex-Judge J. Frank Fort was something of a churchman, too, out at his home in East Orange, but when he reached his law office in Newark he was apt to take a politician's view of things. The active practice of a successful lawyer disposes one to more worldly conceits than he who lives among the books might be expected to indulge. Judge Fort had additional reasons for standing in opposition to the attitude Mr. Foster hoped to induce the convention to assume on this particular question. Rich brewers, who had no tender sympathies with teetotalism, were among his clients. He insisted that an attempt to cram local option down the throat of the party would choke it—that if it was done Essex at any rate would be hopelessly beyond reach; and he insisted that the platform, if it did not specifically disavow that particular tenet, should at least be prudently silent concerning it. The discussion, started in Essex, found echoes in other counties; and there was so much protest on all sides against the policy of the Local Option bill that, to emphasize the opposition, Judge Fort was made the permanent Chairman of the convention. The plank in the platform dealt with the all-absorbing question after all with so much indecision that, when

J. Frank Fort.

it was read, the Essex delegation broke into a clamor of protests, and Henry A. Potter, their Chairman, felt called upon to announce for his colleagues that Essex voted for its adoption "only on the understanding that it means high license alone, and asks that this declaration of her construction of it be made part of the record."

The campaign thus inaugurated was the second upon which ex-Senator Hobart, as Chairman of the Republican State Committee, had entered with high hope of success. The management on the other side was in the hands of Allan L. McDermott as Chairman of the Democratic State Committee. It progressed with energy on both sides and shifting prospects of success. The Burlington General went up to the Hackensack river with an enormous vote. The result depended wholly upon what Hudson county had done. And there the returns were gathered from the polling-places with irritating slowness. It was long after the midnight that followed election day when enough had been gathered to indicate that the county had rolled up an unprecedented majority of nearly 14,000 in Governor Abbett's favor, and that he had been elected for the second time to preside over the destinies of the State.

CHAPTER XXVII.

SENATOR GARDNER TAKES OCCASION HERE TO PROVE THE TRUTH THAT'S IN A JEST, AND MR. STUHR MAKES A RECORD AS THE BRIEFEST SENATOR IN HISTORY.

THE ceremonies attending the inauguration of Governor Abbett drew as enormous a concourse of citizens to Taylor Opera House in the middle of January, 1890, as that which had gathered to see him take the oath of office in 1884. Clubs and delegations flocked to Trenton from all over, and bodies of men even organized especially to be of the inauguration participants.

Admission to the platform, to the boxes, to the main auditorium and to the galleries was by card. The multitudes were pouring in at every opening, when just before noon the music of an approaching band came from the street. As it turned into the lobby the tooting became more and more distinct. Then there succeeded a great clatter of feet on the staircases leading aloft. The tooters were evidently marshaling a visiting throng up into the galleries; and after a time the head of a bugler shot above the landing in a corner of the upper gallery into the view of those upon the stage. The drummer and more buglers and more drummers emerged from the darkness. A throng of Hudson county men, come to jubilate, were in their wake. A blue guidon, with gilded figures blazoned on it, fluttered in the van from a tall pole. The crowd circled around the aisles and followed the banner down the middle entree to the front seats, and planted it in the very center of the balcony in conspicuous view.

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was the boast gilded upon its face. The figures were known to every public man in the State. The crowd recognized them at

a glance as representing the majority that had been given to Abbett over Grubb by the Hudson county canvassing boards. That majority had been a nine-days' wonder all over the State, and the tradition was read on every hand with covert insinuations while Governor Abbett read his Inaugural Address.

"The best sentiment of the country," the newly-installed Governor began, with that brazen device staring straight at him, "demands ballot reform and honest elections."

"The highest aim of all parties is good government," he concluded, with that brazen device still staring straight at him, "and this cannot be secured without honest elections."

William C. Heppenheimer.

A furtive breeze that crept in through the open windows caught up a corner of the blue guidon as he hurled these caustic platitudes at it, and curled it over and over. The end one of the gilded figures was hidden beneath the silken folds. As the breeze toyed with the fluttering silk a second figure was concealed from view. Then with a grand sweep the wind gave the fabric a final twist and none but the fateful "13" remained visible.

"See!" exclaimed the witty Senator Werts to the company of statesmen who shared one of the boxes with him, as he pointed up to it, "see how Abbett's majority shrinks as he advocates ballot reform."

Many a truth is spoken in jest; and subsequent events gave

an air of prophecy to this passing quip. The Legislature that had assembled at the State House to keep the new Governor company was divided politically—the House was Democratic, with William C. Heppenheimer, of Hudson, for Speaker; the Senate, with General H. M. Nevius, of Monmouth, in the chair, had a working majority of Republicans.

The same poll that had elected Abbett had given Hudson's seat in the Senate to Edward F. McDonald. The contest at the polls that had resulted in his election had been an exciting one. The feeling in the county that the leaders who ran the conventions were not all they should be and that they were leagued for evil, had grown apace. McDonald was panoplied with an unassailable reputation for probity. He was a young man of robust build, with a robust conscience, and a robust voice that made him the idol of the throngs that flocked to the hustings. His erratic political course, which made him now the ally and now the opponent of the powers in control, reflected the sturdy independence of his nature. He would be no man's follower. It was his prerogative to lead, and their efforts in the past to make him bend his neck to the yoke had often driven him into open defiance of the managers of his party's machine. He had been Assemblyman, Treasurer of the Town of Harrison where he lived, the dictator of county affairs from his chair as Director-at-Large of the Board of Freeholders; and then he had refused to bend the knee to the bosses who assumed to control him, and had even been so much at variance with his party as to have served as an Elector on the Butler Third Party ticket in the Presidential campaign of 1884.

It was because the Hudson managers feared defeat if they put one of their recognized tools in nomination, that they had been driven to the necessity of placing him on their ticket in this State Senatorial contest. But even his sturdy independence and admiration of his personal qualities could not obscure the fact that the ring the people had learned to distrust, to fear in fact, had put him in the field. He was met, therefore, by just such a movement as that which had put Cronan to the front in the

campaign in which Robert Davis had made the shrievalty of the county.

The good men of the Democratic party could not reconcile themselves to the idea of aiding the ring to promote even him; and they looked to the Republicans to lead a non-partisan campaign against him. An independent Democratic organization was formed to negotiate with the Republicans for a union of clean hands in a common struggle against the spoilsmen again. They went in convention at the same hour at which the Republicans assembled to select their nominee for Senator. Conference committees were appointed. Views were exchanged. Convinced that a straight party nomination could bring them no victory, the Republicans agreed to give their indorsement to the candidate their Democratic allies should agree upon. So it was that William S. Stuhr, an independent Democrat, was made the Fusion candidate against Mr. McDonald.

William S. Stuhr.

Stuhr was almost entirely unknown in politics. His father had been a busy factor in politics and public affairs for years in Hoboken. Young Stuhr himself was a young man just entering upon the practice of the law. But it was believed that the

wide acquaintance his father enjoyed among the Germans of the county would be a valuable aid to him in the coming struggle.

The canvass was a fierce and a bitter one. The chances were all against Stuhr because, as the reckless ring-men were fond of saying in their own vernacular "We have the boxes," and the returns sent in by them from the election places gave the Democratic ticket which they had espoused phenomenal majorities. These were surprising as well as phenomenal, because the drift of public sentiment had indicated that if the Democratic candidates could succeed at all in the county their majorities would be inappreciably small ones. Six thousand would have been a generous majority under the most favorable circumstances. When at the close of the polls on this election night of 1889 it was announced that Abbett had carried the county by close on to 14,000 majority and that McDonald had won it by an equally overwhelming vote, the figures were so incredible that the people accepted them as furnishing the proofs in themselves of monumental frauds in the taking and in the count of the votes.

Convinced that he had been cheated by the election officers, Stuhr prepared to contest McDonald's right to the seat. On the organization day of the Senate, Senator Roe, of Gloucester, presented a protest on Stuhr's behalf against the admission of Mr. McDonald to the privilege of membership; but the Senate permitted McDonald to be sworn on his credentials, and he was allowed to act pending the inquiry by the Senate Committee on Elections. President Nevius made Mr. Roe one of the members of that committee; Senator Gardner, of Atlantic, was given its Chairmanship, and the showy Senator Adrain, of Middlesex, was its Democratic member.

The committee directed William S. Sharp, the painstaking Sergeant-at-Arms of the Senate, to remove all the boxes, into which the voters of Hudson county had dropped their ballots, to the State House and began to make an excursion through them. Ex-Assemblyman William H. Corbin represented the committee at the hearings, which extended over several months. Ex-Judge William T. Hoffman assisted him. Mr. McDonald

was represented by ex-Judge A. Q Garretson, a keen-minded lawyer of Jersey City.

The first of the boxes that was opened revealed the enormity of the crime against the suffrage of which the Democratic ring in Hudson had been guilty. The disclosures were startling; and every box subsequently opened furnished a new sensation. Almost every ballot removed from the boxes bore the stamp not merely of fraud but of a conspiracy as broad as the county itself. The milling and stamping were not such as the machinery of the boxes could have produced. Poll-books did not agree with registry-books. Tally-sheets failed to corroborate the other records of the boxes. The evidences of a stupendous crime were everywhere.

John J. Gardner.

When it had completed its startling excursion through the ballot-boxes the committee met in Chancery Chambers in the brown-stone building of the First National Bank in Jersey City, and prosecuted equally fruitful explorations into the registry and poll-lists. The testimony of one witness revealed a passing glimpse of a coach that made the rounds of the election booths in Jersey City before the hour for the opening of the polls, with a lot of rolls of paper. The committee intimated its belief that these rolls of paper were lists of names for the use of the repeaters employed by the ring and the ballot-box stuffers.

The committee engaged a corps of detectives, and, placing

them at the service of Captain John Graham, a constable of stalwart build and a courage that knew no fear, directed him to learn if the men whose names appeared on the registry-lists as of those who intended to vote, and if others whose names appeared on the poll-lists as of those who had voted, really lived at the places of residence assigned to them in the records. The Captain was met at every stage of his inquiry with threats of violence at the hands of the hunted ringsters, but he went on fearlessly with his task. Every day he sent to the witness stand widows to testify that their husbands, recorded as having voted, had lain in their shrouds for years, and housekeepers to declare that they had never had the pleasure of the acquaintance of scores of men recorded as sharing their homes with them. Fortunate, indeed, was it for the weak-nerved men and the hysterical women of the county that they knew nothing of a ghostly invasion of the county indicated by the poll-lists till it was all over and the risen cadavers of a past voting era had slunk back in their shrouds to their eternal slumbers again. Scores of men were recorded as having voted from saloons not large enough to have afforded them even standing-room. If the record of those lists had been true, the canal boats must have been alive with eager suffragists, and the open lots scattered through the county must have been as populous as mass meetings. Of other hundreds whose names figured among the voters, no trace, either in the past or present, could be secured. Dishonest election officers had used the names of these dead and absent and mythical citizens to cover their frauds. As they had crowded handfuls of bogus and fraudulent ballots into the boxes, they had written as many false names on the lists of voters as there were bogus and fraudulent ballots.

The poll-books in some of the polling precincts represented whole lines of citizens as having voted in precisely the same order in which, ten days before, they had registered; and in others that hosts of Mr. A's and hosts of Mr. B's and hosts of Mr. C's had followed each other to the polls in an alphabetical procession that could not have been more methodical if they had stepped out of a directory.

The palpable rascalities that had produced these freaks of record were aided and facilitated, it was shown, by violence and thuggery at the polling-places. Voters by the score told how they had been intimidated and driven away from the booths by bullies and roughs. Scores of others drew pictures of the violence that made them afraid to keep watch of the election experts while the count of the vote was in progress. In one of the precincts, the vote had been taken at an engine-house where every employe was an appointee of the ring. While a crowd of on-lookers was scrutinizing the canvass of the ballots in the gangway, the electric gong was struck. Loosened from their stalls, the horses scampered through the throng to their places before the engine, and the crowd scattered in every direction to avoid being trampled under their hoofs. The election officers made the excitement a pretext for carrying the box to a room overhead, and when the watchers recovered their breath and tried to follow them, a dozen ring policemen fought them down the staircase again with their clubs. The box, on being opened in the Gardner investigation, was found to be reeking with the evidences of the rascality the incident had been planned to cover.

Edward F. McDonald.

It took the committee several weeks to complete the startling disclosures. The Senate and House took a recess to await its finding. Senators Gardner and Rue joined in a report declaring that 1,764 irregular tissue ballots had been discovered in the several boxes; that false voting lists had been employed; that

the polls had been surrounded by ruffians to intimidate honest voters, sixteen ring policemen being engaged at one polling-place to prevent the seating of a Republican election clerk; that the most startling of frauds had been committed with the most audacious insolence; that repeaters had overrun the city. And they computed that the vote of the county had been swollen by the use of 10,000 or more fraudulent ballots.

The honest vote of the county had been so clouded and vitiated by these reckless villainies of the crowd that it was impossible to reach a conclusion as to what the verdict of the people had been, and the conservative expectation was that the committee would declare that there had been no election in the county. The majority report figured, however, that the frauds were all against Stuhr, and that they were sufficient to have defeated his election. They declared, therefore, that Mr. McDonald was not a qualified member of the Senate, and awarded the seat from Hudson to his opponent; and on the last day of the session Stuhr was admitted to the chair, notwithstanding the luminous argument Senator Adrain, the third member of the committee, made in Mr. McDonald's behalf under cover of a minority report.

The Democrats came into control of the Senate the following year (1891). The first matter that engaged its attention was the ousting of Stuhr and the re-seating of Mr. McDonald. Senator Werts, of Morris, on the opening day offered a resolution reciting that the admission of Stuhr to the seat "was without testimony to authorize or justify it," and declaring for a reconsideration of the action of the Senate of 1890. When Senator Stuhr raised the point of order that a motion to reconsider was not parliamentarily possible after the expiration of twenty-four hours, Senator Adrain, who was in the chair, overruled it. Mr. Stuhr argued then that his case was *res adjudicata*, and that the Senate could not traverse the issue again. Senator Werts retorted that such a thing as *res adjudicata* was unknown to parliamentary law, and, on the assumption that the Senate is not a continuous body, he declared that the Senate of 1891 had the same right to judge of the election, qualifications and return of

its members as the Senate of 1890 had. Senator Gardner epigrammatically responded that the decision in Stuhr's favor in 1890 had not been a parliamentary proceeding—it was a judicial determination that the Senate of 1891 had no power to interfere with; and Mr. Stuhr closed the discussion with an elaborate legal argument in support of his contention that, seated once after a contest, he was entitled to serve to the end of the term. The arguments all went for nothing, however. Senator Werts's resolution prevailed by a vote of 13 to 7, and Mr. McDonald took his seat in the Senate again, while friends and partisans who crowded the Senate floor broke into plaudits.

Seated on the last day of the session of 1890 and unhorsed on the first day of the session of 1891, Mr. Stuhr had practically been a Senator for a single day; and he enjoys the distinction of having served for the shortest senatorial term in all the annals of legislation.

CHAPTER XXVIII.

THIS CHAPTER NARRATES THE STORY OF THE EMBARRASSMENTS THAT SURROUNDED THE INDICTMENT, THE PROSECUTION AND THE IMPRISONMENT OF THE HUDSON COUNTY BALLOT-BOX STUFFERS.

THE exposures made by the Gardner committee created the most intense excitement all through the State, and a demand went up everywhere for the indictment of the men who had been guilty of the fraud. That, however, was a thing easier to talk about than to accomplish. It was common report that in drawing the grand jury that served at the succeeding term of the court, Sheriff Davis had not lost sight of the possibility of an effort to indict the election officers, and that he had interposed a body of inquisitors who would stand between them and the courts. It was impossible for the Judges to arraign the men until they had been presented by the grand jury, and a scanning of the grand jury list revealed the presence upon it of a ring majority.*

In the hope of keeping the body in countenance with the people and of shielding it from the criticisms its expected inaction would be certain to provoke, the Sheriff had taken pains to throw into it a sprinkling of citizens who enjoyed the public confidence. One of these trusted citizens, Dr. Leonard J. Gordon, was even named as the foreman. Dr. Gordon was recognized as one of the public-spirited men of the town. While never seeking office for himself, he was foremost in all public

*The full list of this memorable grand jury is as follows: Leonard J. Gordon, Foreman; John Ramsay, James Tumilty, Henry Allers, Frederick Goddard, John Wade, Michael Smith, Lawrence Fagan, Paul Troust, Walter C. Wescott, Otto Lawrence, Charles Marks, Henry Otterson, Garret Felter, Owen McGuire, Frederic Gassert, William Letts, Otto Tepper, Benjamin Edge, John Cavanagh, Patrick J. Condon, George H. Bowler, John H. Schieffelin, Jr.

movements set on foot for the general welfare. The inadvisable things brought him to the front to protest; he was equally the consistent advocate of every progressive idea that was broached. Over six feet high, slim and wiry, and a man of tremendous energy, he found time for business, politics and society, and was a figure in every direction. Dr. Benjamin Edge, a smiling, pleasant-faced, black-eyed gentleman of wealth and leisure, was another whose name was expected to redeem the whole list. But they were only two of twenty-four, and notwithstanding their over-shadowing prominence in the body their votes could be easily over-balanced, when the question of the crimes of the election officers should come up, by the larger number of votes the ring had reserved for itself in the body. There was some doubt indeed whether, by consenting to serve, the two would consent to risk incurring the odium of being part of a public body that might refuse to discharge a duty the community expected of it.

When the grand jurors marched into court at the opening of the September Term of court, in 1890, Judge Manning M. Knapp made the ballot-box crimes the theme of his charge. He directed them to make the fullest possible inquiry, not only as to the men who had actually perpetrated the frauds, but as to those also who had inspired them. It was plain that they had been carefully planned, and that the men who served in the election booths had but carried out the orders of some higher than themselves in the party's councils.

The struggle between the minority bent on finding indictments, and the majority that stood stolidly against it, began the moment the grand jury withdrew to the privacy of their secret chamber. Charles H. Winfield, the lion-maned Prosecutor of the county, devoted his nights and days to the preparation of the evidence for their consideration. The strained public temper was impatient of delay, and Drs. Gordon and Edge seized every opportunity to urge upon their colleagues the necessity for action. The newspapers echoed the demand. Neighbor and associate, friend and foe, alike urged that something be done. But the grand inquisitors set their faces against it with a grim

determination. The bombardment was kept up on all sides, till it became evident even to their dulled sensibilities that some kind of a sop would have to be thrown to the whale of public opinion. Lawyers were called in to find a loophole of relief. They were asked if they could not devise presentments that would break under the test of a judicial strain. One among them finally struck a happy idea, and advised them that indictments alleging conspiracy, in indicated technical phrases, would meet the emergency. The mere presentment of the bills would still public clamor; the technical weakness of their form would, at the same time, make conviction and punishment impossible. The majority hesitated even to risk this subterfuge.

Foreman Gordon suspected that they might be more willing to aid him if their vote could be a secret one. The usual mode was to vote indictments by the aye and nay responses on a roll-call; and the tally-list was a record that showed the part of each man in shaping the result.

Dr. Gordon decided to try the experiment of changing the method. He watched for an opportunity to throw the old method aside. A trifling case that came up for consideration brought him the opportunity. It had no relation to the election cases; but the grand jurors knew the parties interested in it, and some who were ready to vote an indictment did not want the indicted men to know that they had voted against them. Foreman Gordon suggested that if a secret vote were taken on the question of indicting, their attitude upon the matter could never be known. His blind colleagues fell into the trap. They regarded the expedient as a mere cover for that unimportant case. The foreman surprised them afterwards by declaring that it set the precedent for the procedure on all the cases presented for action. Presently Dr. Edge moved the consideration of the election cases. A clamor went up at once for a return to the usual system of *viva voce* voting. The foreman refused to listen to it; and, confident of their superiority in numbers, the champions of the election boards prepared their secret ballots. General John Ramsay gathered the bits of paper up in a hat. The ring contingent became alarmed as "aye" after "aye" was told off by

the counters. They were white with rage and fear when the completed count showed that the secret ballot had resulted in an indictment. The determined fraud-pursuers were satisfied with their triumph for the day, and action on other cases was deferred until the next morning.

Frequent councils held by the frightened ring leaders in the meanwhile, resulted in an attempt at the next meeting to reconsider the action ordering the bill thus incautiously voted. Favored by the secret ballot the reconsideration failed and then the ring managers determined upon a bold stroke. It was nothing less than the indictment of all the suspected men. The throng thus put in peril would swoop down on the grand jurors with a pressure for reconsideration that could not be resisted. The plan was carried out, and the four members of each of seventeen election boards were put under indictment. One of the sixty-eight had died since the election, and sixty-seven men were put in jeopardy by the seventeen bills. Howls of fear went up from the sixty-seven throats. The grand jurors were besieged and buttonholed and coaxed, cajoled and threatened till life was made a nuisance. Then when they had been tortured and goaded into complaisance, the motion to reconsider was sprung.

Foreman Gordon had been watching the side play. He had prepared himself for the emergency. When the motion was offered, he threw the crowd into confusion by refusing to entertain it. Such a motion could be made according to Cushing only by one who had voted with the prevailing party. The action on these cases had been taken by ballot; there had been no roll-call. It was impossible to say who had voted for and who against the bills. There was no record to show that the man who moved the reconsideration was in parliamentary position to ask for it. The motion was declared out of order. A dozen men sprang to their feet shouting for an appeal from the decision of the chair. The foreman refused to entertain the appeal. Ring adherents jumped over their desks, and gathered around him in excited throngs. One bully among them invited him to step down from his platform so that, as he elegantly expressed it, he might "wipe the floor with him." Dr. Edge, Gen. Ram-

say and the constables went to Gordon's aid and kept the baffled throng at bay till quiet had been restored and the attempt to reconsider had been abandoned.

There was yet another critical stage to be passed before the bills could be taken into court. They could not be presented to the Judges until the foreman had been ordered to sign them. The ring adherents prepared themselves to vote "no" on the question whether they should be perfected by the foreman's signature. Dr. Gordon had anticipated this obstruction, and he had fortified himself with the advice of a Supreme Court Judge, to the effect that the specific order of the grand jury was not necessary to authorize the signature, and he circumvented them by signing without waiting for their order.

Thus baffled at every point, the chagrined men prepared to defeat the delivery of the true bills to the court by combining to stay out of the court-room. The form requires the presence of a majority of the grand jury before the Judges when bills are handed up, and it was impossible for the few anti-ring men in the grand jury to make the presentments without the presence of the others. When the bills had all been prepared and the foreman and his colleagues were ready to go into court, Dr. Edge moved that the body proceed to the court-room with the bills. A chorus of negative responses greeted the motion. The foreman declared that he proposed to go anyhow, and placed the big bundle of bills, tied around with red tape, on the long green table around which the grand jury gathered, while he threw his overcoat over his shoulders. One of the ring men made a dart for the bills with the evident purpose of destroying them, but the foreman was too quick for him and seized them before he could reach them. Then, making a dash for the door, he directed the grand jurors to form in line behind him. Less than half a dozen obeyed, and he turned back and with his loftiest air commanded the rest to join the procession. When they still held back, he directed the clerk to prepare a petition to the court asking for bench warrants for their arrest. They yielded to the bluff and followed the foreman into the court-room and the indictments were finally placed in the Judge's hands.

Dr. Gordon was not satisfied even with the triumph he thus achieved, and when he handed the indictments up to the court, he accompanied them with an explanation, signed by himself, Dr. Edge, Gen. Ramsay and John H. Schieffelin, Jr., that the opposition their good work had encountered in the grand jury room had made it impossible for him and them to do more in the interest of justice.

The accused men were arrested at once, and Prosecutor Winfield made preparations for their immediate trial. Each indictment charged the four men who made up an election board, and Winfield's prophecy that he would start the whole crew of rascals to State Prison in files of four became famous. He had an enormous pile of testimony to digest and arrange, no end of records to examine, clues to follow up, and witnesses to chase out from their hiding-places. Captain John Graham, who had rendered such valuable service to the Gardner Investigating Committee, was the only man whom he could trust as his assistant in the performance of this difficult and onerous task, and the two frequently worked all night in the preparation of the cases that were weekly called to trial. All through the records he struck evidence that the frauds had been carefully planned beforehand by a directing head, and that

Charles H. Winfield.

they had been perpetrated at most of the one hundred and sixty-three polling-places in Jersey City. Hints as to who was the head and front of the conspiracy were numerous, but the most searching inquiry failed to bring any convincing proofs of their justice.

The fraudulent ballots found in the boxes had been printed on a thin tissue-paper unlike that which had been used for the regular ballots, and were so marked that they could be easily detected; but beyond some testimony that they were taken from the Democratic County Committee's rooms by the poll-workers on the night before election, no trace of the manner in which they had got into general circulation could be secured. The marks found upon the fraudulent ballots were in all cases different from those made by the automatic registering machinery of the box in which they were discovered; the circular print made by it became an ellipse, and the needle puncture that should have been in the circle was frequently outside of it. The marks on all the regular ballots were precisely the same. Prosecutor Winfield concluded that the thousands of fraudulent ballots, run through a box somewhere secretly, had been punched, in bundles, with an awl. Only one of the one hundred and fifty ballot-boxes in use in the county on that fateful election day could have made the imprint found upon the joker ballots, and it was noted as something of an incident that the machinery of that box refused to work when it was taken into service at the polling-place. Not the slightest evidence could be produced as to the place where or the person by whom they had been prepared for the use of the conspirators, and it is an open question even yet how they were got into the boxes at all without showing the marks of the boxes. Prosecutor Winfield imbibed the impression from what he learned of the circumstances surrounding the crime at the trials that the head of the boxes must have been taken off, and these "joker ballots," as they were called, thrust in by the handful.

It came to Mr. Winfield, through Joseph Locke, a constable on Jersey City Heights, that a woman living with "Tom" Trotter, a characterless election sharp, as a housekeeper, had

seen him run the ballots through the mill of a box-head, and he had reason to believe, at the time the election board with which Trotter was connected was about to be called to trial, that she still had that box-head in her possession. He started his constables out to follow up that clue. They traced the woman to the Roosevelt Hospital, in New York. When they inquired for her at the door they were told that she could not be seen in less than half an hour. They went to a neighboring dining-saloon to spend the time they were forced to wait, and as they entered, they surprised Sheriff Davis and one or two others who were known to be in sympathy with the ring, talking to each other in subdued whispers at one of the tables. One of the party passed a roll of money to another; and that other hastened out of the place. When the Prosecutor's detectives returned to the hospital they were allowed to see the woman, but she assured them that she knew nothing that could throw any light upon the conspiracy. An hour afterwards she was out of the place. The Prosecutor's officers returned to his desk with the impression that the woman's ignorance about the matter was due somehow or other to the presence of Sheriff Davis and his associates in that neighborhood at the time the officers were seeking her, and that they had gone there to persuade her to flight before the minions of the law could reach her.

She subsequently returned to "Tom" Trotter's household on Pavonia avenue, in Jersey City. Convinced that she knew more about the matter than she had said and that the fear of prosecution for perjury would force her to make divulgences, Prosecutor Winfield sent a second capias after her the day before one of the election boards was to be tried, but somebody had given her the cue, and when his officers reached the house they learned that she had fled an hour before.

When Prosecutor Winfield had prepared the cases for trial, he proceeded to redeeem his promise to start a file of four towards Trenton each week till they had all been imprisoned, and brought the first accused of the election boards to the bar of Judge Lippincott's court. The scene in the court-room as the trials progressed was a memorable one. Throngs of the

unwashed flocked to the benches outside the bar-rail. Troops of distinguished citizens who had never seen the inside of a court-room before, filled the chairs within the rail. On one side of the green table, in front of the jury box, the four defendants sat, with their counsel. Some notable lawyers were among those who had rushed to court to defend them. Ex-Judge Abram Q. Garretson, keen-faced and accounted one of the most skillful cross-examiners at the bar, was the only one of them under retainer. The dark-visaged Hudspeth, who had been Speaker of the Assembly; the self-important William D. Daly, who had served a term or more in the same Chamber; Charles C. Black, whom Governor Abbett had put at the head of the State Board of Taxation, and Norman L. Rowe, counsel of the ring Board of Freeholders, were by his side as volunteer assistants. And amid them all sat the Sheriff, bald-headed and under-sized, who had been the recognized Boss of the party at the time the crimes were committed, cheering and comforting the prisoners, prompting and advising the lawyers. Prosecutor Winfield, with tongue to move to laughter or melt to tears with his changing moods, a man of playful fancy, rich in quotation, terrible in invective, and of vehement eloquence, stood alone. A glance at his massive frame, at the strong lines of his face with its overhanging mane of abundant yellow hair, showed that he was a lion among them.

And on the bench presiding with firmness and dignity was the cherub-faced Job H. Lippincott, with cheeks full and ruddy, and big wide-awake blue eyes—a picture of health and conscience and of the good nature that prime health and a clear conscience always beget, but a man of iron will withal. He had lay associates on the bench—the Celtic-faced Kenny and the self-conscious Albert Hoffman; but, after all, he was the central figure in the personnel of the whole assemblage. For upon his treatment of the issues to be raised in the hearings depended the results of the trials. He could balk the prosecution at every step, if he were so inclined, by ruling out the offers of the State and admitting the offers of the defense; and by his charge at the close he could sway the jury to convict or acquit, as his

humor moved him. The friends of the accused had not lost sight of his overshadowing importance in the conduct of the cases. They had resorted to all the tricks of the politician to bring him to a complaisant view of their offenses.

Ex-Judge Garretson made the case bristle with technical points as the first of the trials went on. His first stand was taken on the question of the right of the defendants to challenge the candidates for the jury-box. Mr. Winfield had been unwilling to risk the convictions to the term panel of petty jurors selected by Sheriff Davis and had brought the defendants into court for trial before special panels of forty-eight men, representing the choice citizens of the county and selected under the supervision of the court. After the forty-eight are selected in proceedings of this kind, it becomes the privilege of each side interested in the trial to strike off alternately a name until but twenty-four remain. From this twenty-four on trial day, the twelve who are to determine the issue are selected. Judge Garretson raised the point when he went to the defense of the first of the indicted boards that each of the four defendants was entitled to the common-law right of challenging three jurors of the panel. If that privilege had been allowed, twelve of the twenty-four would have disappeared from the special panel on peremptory challenges, and when the State had interposed its three challenges, there would not have been enough left to have filled the jury-box. Mr. Winfield met Mr. Garretson's argument with the novel point that the defendants had exhausted their challenge rights in striking out, alternately with the State, the twenty-four names from the original list of forty-eight, and that they had no right whatever to challenge in court. Even if the right to any challenges were allowed, the four defendants stood before the court as one, he contended, and the group was entitled to but the three challenges to which a defendant was entitled in ordinary trials. Judge Lippincott promptly overruled Mr. Garretson's motion and, sustaining the Prosecutor, ordered the trial to go on.

The case had not progressed far before Mr. Garretson raised the objection to the indictments upon which the friends of the

accused had from the first counted for their acquittal. The peculiar character of the crimes had made it necessary to depart somewhat from the usual form in drawing the bills. It was a recognized crime for a body of men to conspire to do something to obstruct the law. These men were accused of having conspired to do something by obstructing the law. In one case the obstruction of the law is an end; in the other it is a means to an end; and Judge Garretson argued that an indictment which charged it as an incident would not lie under the form which required it to be charged as an end. The point was an exceptionally fine one, and for some time Mr. Winfield was puzzled to find an answer to it. When he sought Attorney-General Stockton for light, that eminent lawyer and statesman was inclined to believe that the point had been well taken against him. Assistant Prosecutor Joseph M. Noonan called all the subtleties and sophisms of his metaphysical mind into play to convince his chief that Mr. Garretson and the Attorney-General knew what they were talking about. Winfield refused, however, to be convinced, and he searched the books tirelessly till he found a case which exactly fitted his own. Marching into court triumphantly the next morning with his sheepskins under his arm, he drove a peg into the State's case for Judge Lippincott to hang a favorable decision upon, and the court sustained the indictment and for the second time ordered the trial to proceed.

Lawyer Garretson played his last card when he made an argument, based on the State's theory that the "joker ballots" had been printed and punctured before they had been placed in the ballot-boxes. He insisted that the ballot-boxes were so constructed as to make it impossible to pass a bit of paper into them without having it marked by the registering machine at the slot. After dinner, the day this point was raised, Mr. Winfield strode into court with one of the big glass boxes under his arm and placed it on the desk in view of the jury. He ran a number of ballots through it to convince the jury, by the marks it made upon them, that its printing machinery was in perfect working order.

Job H. Lippincott.

"And now, gentlemen of the jury," he said, with an air of triumph, "let me show you how easily one of these 'joker ballots' can be put through this slot without showing a single other mark than that which is upon it now."

He thrust a needle into the slot and held its printing apparatus motionless while he ran a dozen of the ballots through into the box. Each ballot, as it passed through, was numbered and registered on the indicator in the lid, but not one of them received a new mark. Ex-Judge Garretson practically threw up his hands after that demonstration, and before night the first batch of ballot-box stuffers had been convicted.

There was a delay of several months before the arraignment of the next board. The board first convicted appealed from Judge Lippincott's rulings on the challenge question and on the indictment question, and, as they were both new, Court and Prosecutor alike agreed that it would be wise to wait for the finding of the higher courts on them before going on with the other trials. A few months later the Supreme Court sustained Judge Lippincott on every ruling which he had made and affirmed the conviction. Prosecutor Winfield now began to marshal the election boards into court again, and kept them moving in a steady procession as fast as he could convict them.

Of the sixty-seven indicted, but one escaped conviction, and the acquittal of that man, the characterless son of a shoe-maker who had something of a "pull" among the Republican primary workers in the lower part of Jersey City, was regarded by Court and Prosecutor as a shameful miscarriage of justice. The court ordered the guilty, almost immediately upon the agreements of the juries, to appear in court for punishment, and terms of eighteen months in the State Prison became the prevailing sentence. When they presented themselves at the bar they were in every case accompanied by bondsmen secured by Sheriff Davis for them, and in every case they met the sentences with notices of appeal to higher courts. The points upon which the appeals were based had been already adjudicated against them in the appeal of the first-convicted board, and the appeals had the appearance of impudent challenges of Judge Lippincott's au-

thority—made all the more brazen by the circumstance that many of those who thus purchased a few months of freedom had practically made no defense at their trials.

Two or three of the less refractory suspects had, however, appeared in court and met the charges with pleas of *non vult*, that were at once practical confessions of their guilt and appeals to the court for clemency. Judge Lippincott exacted from these an engagement that, abstaining from appeal, they would bow submissively to the judgment of the court; and in their cases he reduced the penalty from the orthodox eighteen months in the State Prison to nine months in the penitentiary. Judge Kenny, who owed his seat on the bench to ring influences, made a deadlock with the Presiding Judge in the interest of the convicts. He called the arrangement that led the prisoner to forego his appeal as the price of a reduced sentence "a bargain," and refused to join with the Presiding Justice in imposing the lighter judgment. Albert Hoffman, the third member of the court, was in Europe at the time; and the imposition of sentence had to be delayed pending his return to his desk. Edward M. Stanton, an active ring adherent, made a hasty trip across the ocean just after the deadlock had occurred, and returned on the same steamer that brought Judge Hoffman back. The waiting public indulged meanwhile in speculations as to Hoffman's likely attitude in the controversy. To the surprise of everybody, he joined Judge Kenny in his opposition to Judge Lippincott, and the Presiding Judge found himself humiliated in the house of his friends by the influence of the ring he had so fearlessly crushed under his heel.

A startling phase of the prosecutions was that as quickly as the accused men were convicted the ring boards in Jersey City took them into the public service. They were given places as clerks, janitors, inspectors, and when, after countless vicissitudes, they were coralled for removal to the cells to which they had been condemned, the wife of one who had been janitor of the building in which a public board transacted its business, was appointed to serve in his stead while he served out his term.

As everybody expected it would, the Supreme Court affirmed

the convictions and the public believed that justice had at last overtaken the crowd, but the brazen crew marched into Judge Lippincott's presence equipped with bondsmen again and served notice of another appeal to the Court of Errors. Here there was a long delay before a decision was reached, and it was argued from it that the highest court had concluded to set aside the convictions; but when Chief Justice Beasley handed down the decision, the community was overjoyed to see that the court had upborne Judge Lippincott's rulings and swept away the last hope of the doomed crew.

Some preliminary explanation is necessary to make clear the motive and purpose of the next move of the convicted men in their desperate fight for liberty. A colored ex-prize-fighter named Hallinger, who had turned preacher, had, while the trials were in progress, buried a hatchet in the head of the woman whom he called his wife, at her home in Jersey City. A hot pursuit resulted in his capture and he was lodged in jail on a charge of murder. When arraigned in court, he had pleaded guilty, and the sentence of death had been pronounced upon him. After the gallows had been erected, a legal adventurer, named Charles J. Peshal, who had quartered himself at Taylor's Hotel, in Jersey City, visited him in his cell and, assuring him that he would not hang, bade him be of good cheer. So little was thought of this interference that the preparations for the hanging went actively forward. The morning of the dreaded day dawned. Hallinger, arrayed in a sombre suit of black, had eaten his last meal and said his last prayer and was preparing for the final scene, when Peshal dashed into the Sheriff's office with a stay. He had made a flying trip to Trenton, and applied to Judge Green, of the United States courts, for a *habeas corpus*, and a review of the proceedings that had eventuated in Hallinger's sentence. His plea was that the courts could not hang a man upon his own plea of guilty, and that when such a plea was entered there must be a trial by a jury to determine the degree of guilt. Judge Green refused to grant the writ.

"Then," said Peshal, "I appeal to the United States Supreme Court."

The right of appeal was one that could not be denied, and the lawyer's notice of appeal carried with it a stay of the execution pending its determination. So the gallows were taken down, Hallinger laid off his suit of black, and, in the joy of prolonged life, began to sing hymns. The appeal lagged and lagged. When it finally reached a hearing, Peshal did not even take the trouble to prosecute it, but let it go by default. The Judges at Washington dismissed it as a matter of course, and the blood-stained colored exhorter was taken into court and a new day for his hanging was fixed. When the last hours approached again, Peshal made a second trip to Trenton and a second application for a writ of *habeas corpus*. It was refused, of course.

"Then," exclaimed Peshal again, "I appeal."

The execution was stayed again, and Hallinger passed the hour that was to have been his last in a game of cards with his watcher. The appeal was again dismissed, Hallinger was sentenced for a third time, another groundless application for *habeas corpus* was interposed, another appeal taken, and the execution deferred for the third time, and it was yet a mooted question, when the ballot-box stuffers had lost their final appeal to the Jersey courts, whether the colored assassin would ever meet the doom to which the courts had condemned him.

When they had played their last card in the State courts and lost, the convicted election officers prepared to employ the same tactics that had kept Hallinger for more than two years beyond the reach of the courts, and they retained Peshal to interpose to save them. The moment the failure of their appeal before the Court of Errors became known, the lawyer stole quietly off to Trenton to find a United States Court Judge. Judge Lippincott had, however, been informed of the movement, and to defeat it he hastened a detail of trusty officers out into the highways and byways to bring the convicted men in. They succeeded admirably in their mission, and by evening there was a "round-up" of all the crew except four in Judge Lippincott's court-room. The Judge informed them of the finding of the Court of Errors,

and notified them that they had no choice now but to suffer the punishment they had contumaciously escaped for nearly two years. Coaches were in waiting for them in the jail yard. The officers bundled them into these, and, forewarned against allowing any interference, hurried them off to the prison. Peshal had not had good luck in finding a United States Court Judge, and the court had forestalled his interference.

During the two years covered by the incidents attending the trials, Davis's term as Sheriff had expired, and, in the exercise of his sovereignty over the party, he had made his deputy, John J. McPhillips, his successor. Anticipating the surrender of his shrievalty, he had, as much as a year before, induced a Board of Freeholders that acknowledged him as a master to appoint himself Keeper of the County Jail. He was in care of the jail at the time the convictions were affirmed, anxiously awaiting Peshal's return from his secret mission. He accompanied the baffled crew to the railroad depot, to offer them condolences and give them assurances that their families should not suffer while they were doing the State's service.

The four whom the court's officers had been unable to find were still at large when the train rolled out from under the vaulted iron shed at Jersey City for Trenton. By night it was rumored that Peshal had served a notice on Sheriff McPhillips and the imprisonment of the missing four had been delayed by a stay from a United States Court Justice. Application for a *habeas corpus* could not have been possible unless the men had been restrained of their liberty, and, concluding that the four must have been secretly lodged in the jail to give color to Peshal's application in their behalf, Judge Lippincott went from his home to make inquiry. It was his purpose to hasten them away at once, before Peshal could have time to perfect his papers. The books showed no record of their presence there, and the clerk at the desk assured him that they were not in custody. As the night wore on, however, it became more and more certain that Davis had actually taken them into the jail to hide them till Peshal could get back with his stay. They were not being detained in the wards as prisoners, but were being entertained as the jailer's guests in his private apartments.

Judge Lippincott went to his court-room in the morning before Peshal reached Jersey City, and he set all the machinery of his court in motion to force Davis to produce the hidden convicts. The jailer dodged the court's orders, for delay, till the Judge took the matter into his own hands. The constables were directed to take them into custody at once and hurry them away to State Prison. Just as they were about to leave the court-room, Peshal dashed in. He had a stay and served it. The court looked at the writ, saw that it had been based on a false affidavit that the men had been restrained of their liberty in the jail, and directed the constables to pay no heed to it. Peshal threatened contempt, and all kinds of terrors; but the court was unmoved, and to prison the hidden four were whirled.

The United States Grand Jury indicted Davis for his part in that affair, but United States District Attorney Henry S. White delayed calling him to trial for months. Meanwhile Sheriff McPhillips, the essential witness for the State, died suddenly and the prosecution became impossible.

While the appeals taken to the Court of Errors were pending, the Legislature passed an act authorizing the Court of Pardons to release prisoners on tickets of leave on assurances of good behavior. Allan McDermott made application for their release under this law; and the Court of Pardons, on the Christmas Eve following, let them all free, after a service of less than five months. There might have been little public criticism of this display of clemency if the court had made discrimination that the characters of the men and the nature of the proofs against them might have justified. Some of the active conspirators were in the released crew; but many of the men had been guilty only of technical offenses. Their guilt lay in having ignorantly, or carelessly, signed false returns prepared by their associates, and which they may have believed to have been correct; and as to those the exercise of a wise clemency might have been excused by the public. But the Pardon Board drew no lines whatever, and by the vote of all the members excepting Chancellor McGill, let the whole crowd, the conscious participants with those whose only sin had been their carelessness or their credulity, loose to prey upon the public again.

The exciting and sensational pursuit of the ballot-box crew served as an object lesson that the advocates of a better ballot system improved. In his Inaugural insistment for a Ballot Reform law, Governor Abbett had but voiced a sentiment that was universal throughout the country, and the Governors of many other States had spoken in the same vein. Daniel M. Kane, a Democratic member from Middlesex with some Labor leanings, had in 1889 brought the Australian ballot system to attention, and when the Legislature of 1890 settled down to the problem seriously, its contemplation of the subject was along the line of that system. Senator Werts, of Morris, drew the bill—it is known as the Werts Ballot Reform law—and with the light-haired Voorhees, of Union, perfected it. It incorporated the idea of the official ballot, issued to the election officers by the county or city officers, and of the closets at the booths in which voters are required to seclude themselves in the preparation of their ballots. It permitted only the parties which had polled a certain percentage of the total vote to file nominations made in convention, forced the less-numerous parties to the expedient of putting their candidates forward by petition, and provided for the selection of poll attendants by the two predominant parties. By surrounding the procurement of official ballots with obstructions, and depriving them of poll workers to handle the tickets after they had been secured, it discouraged

Foster M. Voorhees.

the canvass of the smaller parties, and made independent party movements almost impossible. The Republicans hoped through it to crowd the Prohibitionists out of the polls; and the Democrats employed it with considerable effect to prevent threatened organized revolts against the ascendancy of the masters of the party.

The Prohibitionists felt especially aggrieved by the difficulties it threw about their organized work for votes. The venerable Counselor Stephen B. Ransom, of Jersey City, who had been the Prohibition candidate for Governor, in 1880, purposely violated its provisions, in order to test its constitutionality, and submitted to a judgment involving a fine which he had to pay when the courts sustained the act as constitutional and effective.

CHAPTER XXIX.

GOVERNOR ABBETT BUILDS HIMSELF INTO AN AUTOCRAT AND HELPS A GREEDY CREW OF CORRUPTIONISTS TO OVERRUN THE STATE.

MR. ABBETT had gone to the Governorship in 1890 with a specific object in view and a carefully prearranged method of reaching it. The object was the seat in the United States Senate which the accidental Blodgett was to vacate in 1893. The method was to entrench himself so securely that no one would dare to confront him. If he had paraded his very democratic democracy in the campaign of 1883 by boasting that there could be "no admission by card business in his" after he reached the Governorship, he now secluded himself far away from the public reach; and one had to pass through half a dozen thicknesses of ante-chamber and to brave the scrutiny of half a dozen lackeys to secure an audience with him. His temper lost its magnetism. His manner was imperious; his voice became irritable, harsh and rasping. He was overbearing and impatient of advice. He came to be known as the Czar, and the government he established over the people was so unyielding and searching that it came to be recognized as an autocracy.

His advent had been heralded by a sudden increase of the gubernatorial salary from $5,000 to $10,000 a year, which the Legislature voted to him. The increase could not be made after he had entered upon his administration. He took office the second week in January. The Legislature had been in session, with Governor Green at the helm, for a week before his inauguration. That week was improved for the enactment of a law making the increase. Senator Werts introduced the bill, and it passed the Republican Senate with even less friction than in the Democratic House. In the House, one of the Democratic members, Colonel Edward H. Snyder, of Orange, voted against it. Erwin

and Potts of Hudson, Ulrich of Union and Pollock of Essex left their fellow-Republicans to vote for it. Governor Green signed it the moment it reached him, and Mr. Abbett had so been enabled to enter upon the duties of his office as one of the very few $10,000 a year Governors in the Union.

The moment he took the reins in his hands he began building up the strong personal government that he probably had in his eye when he consented to serve in the office for a second term. He took the portly and brainy Allan L. McDermott into his counsel as his chief adviser. Though a young man, McDermott's mental powers and his strong personality had already made him a positive force in State politics. He had studied law in Governor Abbett's office and advanced himself step by step till he had commanded a position for himself among the Democratic leaders of the State. He was a brilliant strategist, a wonder as an organizer, a dashing cavalryman in politics, but cool, daring and intrepid in the battle. He was a man after Mr. Abbett's own pattern, and no one felt surprised when it was announced that he had received the handsomely remunerative clerkship of the Court of Chancery at the Governor's hands as the reward of his loyalty.

The control of Democratic affairs throughout the State resided largely with a little coterie of men who had made themselves leaders in their several localities. The veteran of veterans, Miles Ross, had, as the result of three congressional canvasses in the Third district, come to be recognized as a power in Middlesex, Monmouth and Somerset counties. The subjection in which Dennis McLaughlin and Robert Davis held the party in Hudson has already been described. The nervous and twitchy James N. Pidcock had an easily-distinguishable following in Hunterdon, Sussex and Warren. Essex owned to two leaders. Krueger, the Assemblyman who had given Mr. McPherson so much concern in the senatorial canvass of 1877, had built a great brewery and amassed an enormous fortune. Hundreds of beer sellers whom he had started in business were under obligations to him for their licenses, for their saloons, for their beer even, and their grateful adhesion to him strengthened his

hands for political effort. A very much sleeker and brighter and keener manipulator stepped out from his shadow, however, as a factor, during Governor Abbett's first administration, till he had grown to be known in high State councils. The portly and dignified and rosy-cheeked James Smith, Jr., beamed to the right of him and beamed to the left of him, and dispensed his bounties from a deep purse with an admirable discrimination, and responded, handsomely, besides, to every call for money required to conduct the State campaigns. Governor Abbett's quick eye saw the opportunities for usefulness there were in him. He made him one of his personal lieutenants, and he quickly rose into a star of the first magnitude. Benjamin F. Lee, who had all this time held on to the Supreme Court Clerkship to which Governor Parker had appointed him, had not lost his power as a moulder of destinies in South Jersey, and William J. Thompson had dared even to challenge General Sewell's supremacy in Camden.

Thompson had been a barkeeper at the start; but he had been prudent, and with his savings he had purchased a summer resort for Philadelphians at Gloucester City. It became popular with a class, and he followed it up by opening a race-track upon the grounds. This race-course had been a mint to him, and he had amassed a fortune counted by the hundreds of thousands. He impressed his touts and camp-followers into his political service, and through them exerted enough influence to claim recognition as a South Jersey factor.

Governor Abbett's plan of campaign for the Senatorship through the Governorship contemplated the division of the State into little principalities, as one might say, and the establishment of these powerful local leaders as his lieutenants. The functions of government were to be gathered by legislation, as completely as conditions would permit, into his hands, and the enormous patronage thus placed at his disposal was to be filtered to the several localities through the local bosses. These lieutenants, in turn, had their thoroughly-disciplined army of subordinates, working, from high to low, with the precision of a military organization. With the aid of Colonel Edward Liv-

ingston Price, a distinguished Newark lawyer, who by his skill in organization had commanded the recognition of the Essex Democracy, Mr. Smith turned the Democratic household in that county into a militia organization. There was, first, the Generalissimo, Smith. From the County Committee-men he selected a leader in each of the Assembly districts. This leader, in his turn, named the chief worker in each ward or township; the chief worker in ward or township was aided, in his turn, by a lieutenant in each polling precinct. Whenever an office was to be filled in any of the townships, for instance, it was the business of the leader in the precinct to which the office fell to find out who could be of most service in that particular locality to the machine; he would report the name to the township leader; the township leader would send it up to the district leader; the district leader would pass it along to the potential chairman of the committee; the chairman would whisper it into the ear of Generalissimo Smith; the Generalissimo would present it to Governor Abbett with his compliments; and the Governor would acknowledge its receipt by writing it on a parchment commissioning the man whom it represented to fill the vacant place. It was not possible to organize the party in some of the other localities into military camps of such rigid

Colonel Edward L. Price.

discipline, but the model was one which all of the lieutenants patterned as closely as circumstances would allow; and Governor Abbett looked forward to the time when he was to be just as fully Commander-in-Chief of the Democratic party as he was of the State militia.

Legislation was needed, however, for the centralization of the powers which would enable him to hold the machine loyally to him. The functions of government were at the time widely distributed. They were exercised by a hundred different hands. The Governors of the past had been weak or strong according as the Legislatures were with them or against them. Governor Green had been forced to deal with Republican Legislatures, and they had stripped him of one prerogative after another till he had become a mere figurehead in State affairs. The Legislature of 1890, which went into Trenton with Governor Abbett, was divided politically. The Assembly might have been ready to give him whatever of legislation his plan of reign contemplated. The Republican Senate would be sure to defeat it, and nothing was attempted.

But the Legislatures that met in Trenton in January, 1891, and January, 1892, were Democratic in both branches, and the submissive agents of the Governor. They assembled only to do the things he desired to have done; and so thoroughly effaced themselves as parts of the law-making machinery of the State that when they adjourned *sine die* they left half or more of the bills they had passed in Governor Abbett's hands for such disposition as he saw fit to make of them. Ordinarily the passage of a bill by the Houses was followed by its prompt presentation to the Governor. If he was not disposed to favor it, its passage over his veto was still possible. But in the Legislatures of 1891 and 1892 the bulk of the passed bills were held in the Passed Bills Committee's hands till the end of the session, and then handed to the Governor. If he were opposed to any, there was no Legislature at hand to re-enact it, and his refusal to sign it was sufficient to defeat it forever. The showy Robert Adrain, of Middlesex, presided over the Senate, and blonde James J. Bergen, of Somerset, was Speaker of the Assembly at both sessions.

The Governor used the first of these Legislatures to seize all State functions for his use and enjoyment. The State Boards were all to be made up of men of his appointment, and everything they were to be allowed to do was to be done only "with the Governor's approval." The tenures of some of these appointees were indeed to be only at the "pleasure of the Governor." New departments were created, not more to make places for favorites than to overawe and terrorize business and community influences that might be tempted into active opposition to him. The office of Banking and Insurance Commissioner was created, with searching functions. A State Tax Board was invested with such ransacking powers that no taxpayer in the State could escape its scrutiny. The State Board of Assessors, which made up the tax bills for the railroads, was put under the heel of the Chief Magistrate. The control of the State Lunatic Asylums was taken out of the hands of those in charge and given to a new board of his appointment. The State Riparian Board were forbidden to make a lease of land without his express approval. The management of the State Prison, of the Normal School, of the Boys' Reform School, at Jamesburg; of the Girls' Industrial School, at Trenton; of the Soldiers' Home, the deaf and dumb retreats—of everything—was in his keeping. He was even authorized to draw money from the State treasury for any public purpose that commended itself to his judgment.

James J. Bergen.

The battery, with stones and missiles, of the big Clark thread factories in East Newark, by an enormous mob of locked-out

strikers, next furnished him with a convenient pretext for making himself the master of even the local police forces everywhere. There was no agency of repression in times of tumult except the militia, and to set the soldiery upon the citizens was only to inflame them to greater excesses. They could be much more smoothly and easily over-awed by the police, to the sight of whose blue coats and brass buttons as an emblem of authority the people had become accustomed. It was wise, therefore, so the more than plausible argument ran, that the Chief Magistrate should have the police of the cities and towns subject to his immediate orders in times of tumult. The bill creating a State Chief of Police, who upon the order of the Governor could draft a posse from the police forces anywhere in the State, was the outcome of it. It encountered the opposition in the Assembly of Assemblyman John R. Hardin, John Neider of Essex, Mitchell B. Perkins and A. Harry White of Burlington, Wm. B. Campbell of Monmouth, and D. W. Haggerty of Warren, all Democrats, but was passed in spite of them. In the Senate it was championed by Senator Edward F. McDonald, of Hudson. Senator George T. Cranmer, of Ocean, read a paper numerously signed by the Clark Thread Works' employes against it, but it passed there too by Democratic votes, and the Governor made it law by signing it.

The public prints insisted, however, upon seeking sinister motives for the Governor's promotion of the act. Dennis McLaughlin was at the time running his race track at Guttenberg under the protection of grand juries drawn by Davis, to the great scandal of Hudson county. He had put himself under engagement to deliver the Assembly vote of the county to the Governor for the Senatorship when the time came. The menace of a descent upon his race-course by the State Police was expected to keep him to his engagement. The selection of McLaughlin's friend, ex-Assemblyman Feeney, to serve as the Chief of the service was looked upon as an olive branch of peace as long as McLaughlin was properly submissive. The Governor left nothing to Feeney's discretion, however. The act

under which he held subjected him to removal whenever the Governor was displeased with him.

His next move was to force the liquor men into an attitude of friendly compliance. This he proposed to do with an act establishing a State License Board, with supervisory control over all the local Excise Boards. But old Assemblyman Nash, of Camden, made such an outcry against this invasion of liquor rights, in caucus and out of it, that the scheme was abandoned.

It was replaced with another establishing County Excise Boards of the Governor's selection wherever and whenever in his judgment they were required. These boards were endowed with enormous prerogatives. They could grant licenses that had been refused by the local boards and revoke those which the local boards had granted. They could force saloons upon localities that had set their faces against them, and close them in communities that wanted them. Cumberland county, which was built on the temperance idea, learned with dismay that one of these boards was to be named to open saloons on her soil, and gave riotous expression to her alarm. Her people threatened to boycott and ostracise any man who should serve on the commission, and the Governor found it difficult to find anyone willing to act there. When at last a Vineland citizen consented to accept, his wife and children were so "cut," ignored and abused by the people that they prayed him to resign, and when another was found dead in his office soon after his appointment, it was hailed all over the county as an expression of Divine indignation at the invasion of the ungodly.

Another act turned all the District Court Judges out of office to pave the way for men of the Governor's appointment; another gave Jersey City and Newark three Police Justices each, to do business to which the two in commission in each city devoted less than two hours a day. Another degraded the Republican Police and the Republican Fire Chiefs in Jersey City and Newark, protected from removal by a tenure of office act, and set up supernumerary Police and Fire Superintendents to be chosen by the Democratic Mayors of the two cities over them. He made his old law student, ex-Speaker William C. Heppen-

heimer, Comptroller of the State Treasury; named George R. Gray, of Newark, to be State Treasurer as a concession to James Smith, Jr.; put his son Leon at the Private Secretary's desk in his department; procured for his son William F. an appointment as a special counsel to the State Tax Board, and seated a brother of his own at one of the bookkeeping desks in the Comptroller's office.

The Legislature of 1891, whose overwhelming Democratic majority made these seizures of power possible, did not close its session without perfecting legislation looking to the perpetuation of the party's supremacy. It was vested by the Constitution with the prerogative of re-apportioning the Assemblymen among the counties and, of course, of fixing the lines of the new Assembly districts. It went to the discharge of this function with the avowed purpose of arranging a gerrymander that would assure to the Democrats at least forty of the sixty Assembly seats. It was so transparently unfair and partisan that in the gubernatorial campaign of 1892 the most effective of the Republican campaign documents was a richly-colored map showing the divisions. The Assembly campaign of 1891 was made under it and it gave in the Assembly of 1892 forty-two seats to 113,084 Democratic voters, and only eighteen seats to the 98,534 Republican voters. Effort was hopeless among the Republicans with such a handicap, and they appealed to the courts for redress. The litigation resulted in a declaration by the Supreme Court that this act was monstrously unfair and disfranchising, and in a decision that the system of electing Assemblymen by districts was in violation of the Constitution, which required the election of Assembly delegations in bulk, from each county, by the entire voters of the county.

The Legislature of 1891 was the product of a provisional gerrymander that had been established by the Legislature of 1890. The Legislature of 1892, which took up the work of strengthening the autocracy, was the product of this more stringent gerrymander for which the decennial apportionment of Assemblymen had afforded the pretext. The two Houses of 1891 had, as has been seen, devoted themselves mainly to the

transfer of State prerogatives to the Governor's hands. The Legislature of 1892 devoted itself to the task of putting the local governments as much under his control. The management of affairs in Hudson and Essex counties had fallen into the hands of his followers, and an act extending the terms of the governing Boards of Freeholders was passed to keep them there. The smaller counties were reached by an act vacating the seats in the Boards and providing for the election of others by the voters of the gerrymandered districts. The gerrymander had produced a subservient Legislature; it was expected, by the same token, to produce subservient Boards of Freeholders. The new law did not work as it was planned to work, however, at the local elections that were held before the Legislature adjourned, and Senator Hinchliffe, of Passaic, introduced an act turning the new men all out again.

Finally the cities were attacked. Jersey City had been so completely mastered by the charter making Mayor Cleveland the sole patronage-distributing agent, that plans were laid to apply the principle to a re-organization of Newark's local government. The Common Council was the source of all municipal power there. The management of the city finances was in the care of one of the Council committees; of the Police Department in the care of another. A Fire Committee managed the Fire Department, and a Street Committee had charge of street openings and improvements. Joseph E. Haynes, the Mayor of the city, was an ancient pedagogue of one of the public schools, whom the leaders had put into politics; and his vanity was so swollen by the attentions they paid to him that he was like putty in their hands; and they realized that they could safely transfer all the city patronage to him. They controlled him; and through him they could man the public places with their own retinué of followers. The Common Council was an elected body, however, and the people were so wedded to their system of representative government that it was not deemed safe to attempt to dispossess it entirely. The fertile brain of Colonel Price evolved the scheme that left the Council standing, but reduced it to a shell. The people could go on electing Councilmen as of yore; but

after they had been elected they had nothing to do. All of the important councilmanic functions were taken from them and conferred upon a new department, described as the Street and Water Board, to consist of five men, whom the Mayor was authorized to appoint. The only prerogatives left to the denuded representative Council were those of acting as disbursing agent for the new commissioners and of bestowing the saloon licenses. The people did not realize, at the start, how completely the introduction of this new department revolutionized the system of local government; but by the time Haynes' term expired in the fall, they saw the purpose of the move and had studied its effect, and they rose in rebellion. It was part of the scheme to keep Haynes in office for another term; but public feeling ran so high as the time for the election drew near that the leaders hesitated to put him forward for re-election. The benignant-faced James Smith, Jr., was urged to step into the breach as a candidate, but he declined; and Krueger, the corpulent brewer, who was his associate in leadership, insisted upon the chance being taken with Haynes again.

The Republicans cast about for their strongest man to confront him with. Herman Lehlbach was hailed on all sides as the man for the emergency. A German surveyor who had twice swept the city as a candidate for Congress, he was looked upon as the most available man for the nomination. Newark has never seen a day of such local excitement as that on which the people expressed their preferences between these two candidates. Newark is a city of strong local pride, and residents threw business to the winds to take part in the fray. Men who never concerned themselves in municipal contests, flocked to the polls in battalions to let loose their indignation in their ballots.

But the naturalization mills had been active for weeks before the eventful day arrived, and on their way to the polls the aroused citizens saw the streets swarming with a new population of voters that chattered and clattered in a picturesque foreign jargon. Gaily-decked Italians abounded on all sides. A motley throng that had never ventured out of the River street barracks invaded the villa-lined thoroughfares that only the "quality"

was wont to tread. The day had the aspect of an Italian gala day. Money was poured out like water; and every train, too, brought companies of rough-looking customers from the neighboring towns to take part in the struggle. In spite of it all the contest was a close one. Vast multitudes of excited men swarmed in the glare of the electric lights around the bulletin boards of the newspaper offices at night, with varying emotions of hope and fear, hour after hour, watching the figures that indicated the progress of the count of the vote. A pall-like silence fell upon them when a shrieking whistle rent the midnight air.

"That's Krueger's crow," was the universal comment; "it's the whistle of his brewery signaling the election of Haynes."

And the completed count showed that the tidings thus whistled to the anxious citizens were not false ones. Haynes scored a re-election, by a narrow majority, to be sure, but a sufficiently pronounced one to confirm him in the possession of his office, and his backers in the enjoyment of the local power they had struggled so desperately to keep in his hands.

Newark, however, was not the only municipality for which the State House autocrats reached out through the medium of the Legislature of 1892. The session closed with an exciting struggle for time for the passage of an act placing the governments of Paterson, Trenton and Camden under their control. The constitutional demand for general laws regulating the internal affairs of towns and cities made it necessary to legislate for the three cities in one bill. They could be reached only by an act aimed at second-class cities. The problem could have been solved easily enough by making the Mayor in each the center of local power; but the misfortune of the situation was that Camden's Mayor was a Republican. He would be sure to dispense the power that might be conferred upon him in a manner not to the liking of the State House managers; and legislation transferring all the local functions it was desired to reach to the Mayors of second-class cities, was out of the question.

The solution of the knotty problem in municipal manipulation with which the presence of that uncomplaisant official confronted the State House magnates, cost them many hours of

anxious consultation. They finally evolved the most fantastic system of local government that the mind of man ever conceived. A Police Board, to consist of members named by the Governor, was to be made the axis in the municipal machinery of the three cities. When the act was thrown into the House for passage, the session was far advanced and the day fixed for final adjournment was at hand. It provoked a notable debate. Assemblyman Barton B. Hutchinson, of Mercer, a young lawyer who acted as leader of the minority, fought it tooth and nail at every stage of its passage. Schoolmaster Eugene C. Cole, who represented Cape May in the Chamber, assailed it with bitter satire. Assemblyman Herbert C. Potts, of Hudson, a very little man with a very big voice—they used to say that when Potts was called to the Speaker's chair temporarily it was necessary to remove the ice pitcher so that he could be seen, but when he aired his voice at the Reading Clerk's desk he was unanimously voted the most efficient reader that had ever officiated there—fulminated against it. Young John R. Hardin, of Essex, and Thomas Flynn, the bright-witted Passaic Assemblyman, espoused it, and the majority was Democratic—it went through.

It was not many minutes making the transit to the Senate Chamber for concurrence. The last day of the session had arrived, and the hour fixed for final adjournment was at hand. The time was reached, in fact, while the Senate was still discussing the measure. The Assembly waited upon it till the patience of the members gave out, and Speaker Bergen announced that the Legislature had expired by limitation. The freed Assemblymen marched in solemn procession over the hall to the Senate Chamber, in pursuance of the custom, to be formally dismissed with the Senators to their homes. They found the doors locked against them. Sergeant-at-Arms Nathan had made up his mind that the final exercises should not take place till the pending bill had gone through. The impatient Assemblymen rattled the knobs and tapped and knocked for admission, and flattened their noses against the frosted glass of the big middle doors. But the Senate's Janissary was proof against all their

clamors, and the bolt lay in the slot while the Senate proceeded with its work. The roll was finally called. The act was passed.

Then Nathan, looking like a Spanish nobleman, stepped to the middle of the aisle with the swollen air of one conscious of a duty well performed, and bowed to the chair.

"Mistah President," he exclaimed in the rich bass tone that had made the "Heart Bowed Down" famous in the annals of song, "the Speaker and the House of Assembly!"

Before the bolt had been fairly withdrawn, the great folding doors burst open, and in Speaker Bergen and his colleagues bundled, falling over one another in their eager rush for place.

President Adrain was never so smiling or gracious as he received them and declared the session at an end.

The plan of government, local and State, contemplated by this legislation, spread the Hudson county odor all over the Commonwealth. It was of the very essence of the scheme that the entire local machinery everywhere should be submissive and responsive to the demands of the central power. Self-respecting men of force and character would not lend themselves to the servitude which the holding of an office, however high, carried with it. Only hirelings who could be bought with place were in requisition, and there was a noticeable decline, as the shadow of the autocracy spread over the State, in the public morale. The more depraved elements came to the surface all over. Shining State positions were filled with weak satellites of the bosses, and the control of the cities fell into the hands of vicious and audacious gangs of plunderers. Through them the Governor's personal power was exerted everywhere. No interest was too inconsiderable nor any man too inconspicuous to be made to feel the weight of his displeasure. The State was under the heels of an autocrat.

CHAPTER XXX.

WHICH TREATS OF THE NATIONAL GUARD AND SHOWS THAT THE REORGANIZATION EFFECTED IN 1892 COULD NOT HAVE BEEN A POLITICAL MOVE.

PARTISANS, of one side or the other, insisted that not even the State militia had been allowed to escape service as part of the Governor's political machine. General Dudley S. Steele was Commander of the First Brigade of the National Guard, comprising the regimental and battalion formations in the upper section of the State, and General Sewell was at the head of the Second Brigade, embracing the regiments at the Philadelphia end of the State. While one of the most soldierly of soldiers, General Steele was one of the most manly of men, with the *sauviter in modo* and the *fortiter in re* so nicely adjusted in his make-up that one dared not impose on his good nature on the one hand, nor felt it a servitude to obey on the other. He had found his command in the most satisfactory order when he took hold, and had striven tirelessly to maintain its military standard. In this he was as successful as the then constituted organization of his brigade would permit. In the midst of his plans for the future, he was stricken with a fatal illness. His constitution had not been robust for some time prior to his sickness. A cold contracted while taking a back-platform ride, in the early spring of 1892, on one of the new trolley cars that had just been put into service between Newark and East Orange, gave his illness an alarming turn. After weeks of patient suffering, relieved by such delicate ministrations as only a wife can bestow upon her worshipped husband, he joined the silent majority on March 12th, and was borne by his comrades-in-arms from his handsome home in East Orange to his grave.

General Steele's death devolved the selection of a new Brigadier-General upon the field officers connected with his late command. Colonel L. R. Barnard, of the Fifth Regiment (Newark), laid claims to the succession by right of his seniority in the service. The soldierly qualities and the personal popularity of Colonel Edward A. Campbell, of the First Regiment (also Newark), marked him out, too, as an available man. Colonel Peter Farmer Wanser, of the Fourth Regiment (Jersey City), had risen into State prominence by reason of his election, over so conspicuous a citizen as Allan L. McDermott, to the Mayoralty of Jersey City, and a random guess was made by his friends that he would be the choice of the Board of Officers; but he had no idea at the time of seeking the position, and the mention of his name in connection with it was wholly without his procurement.

Jersey City had been, theretofore, an entrenched Democratic stronghold. Its capture under his candidacy by the Republicans gave Colonel Wanser a State-wide prominence. He became the hero of the hour in his party. He was cheered at its local and State conventions. He was mentioned for Governor, for Member of Congress, for everything within the public gift anywhere, and, naturally enough, his name was on everybody's lips when General Steele's death made a vacancy in the National Guard into which he might step.

Major-General Joseph W. Plume was then at the head of the State Militia. He is a born soldier. The military instinct is reflected in every line of his face, and in every movement of his stalwart frame. He comes of a family whose history is linked with the naval and Revolutionary history of the country. Dr. William Turk, his maternal grandfather, was of the United States Navy, and his grandmother, daughter of Captain John W. Livingston, who won his spurs in the War of the Revolution and who in his turn was a descendant of William Livingston, Governor of New Jersey during the whole Revolutionary epoch. An ancestor on his father's side was of the Hendrick Hudson party that in 1607 explored the upper Hudson river, and afterwards helped to organize the "Colony of Van Rens-

Joseph W. Plume.

saelaers Wyck," the nucleus around which the city of Albany has grown.

In 1857 the General attached himself to the City Battalion of Newark, and served as a private, till at the outbreak of the Rebellion, he was commissioned Adjutant of the Second New Jersey Volunteers. Nine months later he became an Aid-de-Camp on the staff of Brigadier-General William H. French, of Sumner's Division; and, three months further on, Acting Adjutant-General of the same Brigade; and three months later Acting Adjutant-General of the Third Division of the Second Corps. He resigned in December to become Assistant Adjutant-General with the rank of Major; but when his commission ranking him only as a Captain reached him, he declined to accept it and retired from the service. Not, however, till he had been in a number of important engagements.

In November, 1863, he was made Major and Brigade Inspector of the National Guard of New Jersey. United States Senator William Wright recommended his appointment a year later as a First Lieutenant in the Regular Army, but he did not wish the honor. When the Thirty-seventh Regiment (New Jersey) Volunteers was recruited he was elected its Colonel, but declined to serve because the regiment had been enlisted for only one hundred days. On July 6th, 1865, he was commissioned Colonel of the Second Regiment, New Jersey Rifle Corps. At that time the military organizations of the State were organized and known as the New Jersey Rifle Corps, with General Theodore Runyon in command.

General Runyon and Colonel Plume drew the act creating the National Guard of the State of New Jersey, and both bent all of their energies to securing its passage. James L. Hays, who was representing Essex in the State Senate at the time, chaperoned the bill through the Legislature, and the Rifle Corps were changed into the National Guard. Colonel Plume's Second Regiment of Rifle Corps became the Second Regiment of the new Guards, and in April, 1869, he was commissioned as its commander. The formation of the regiments into brigades followed speedily, and a month later he was made a Brigadier-

General and given command of the First Brigade. General McClellan ten years later conferred the brevet title of Major-General upon him, and in 1885 he was named to succeed Mott as the Major-General of the State Militia.

The First Brigade at the time of General Steele's death consisted of one regiment of seven companies, one of five, two of six, three battalions of three companies each, and one Gatling gun company. The regulation regiment of the day required ten companies for its formation; the ideal company embraced from eighty to one hundred men. The State laws did not say how many companies should constitute a regiment, but fixed the minimum of enlisted men in a company at fifty. One of the regiments in the brigade had but five companies; and many of the companies in all the regiments could muster but a little over the minimum of men. General Steele's report of his last State Encampment, which, with its attractions for midsummer recreation, serves to draw the largest share of Guardsmen to the front, showed an attendance, in the thirty-four companies, of only 1,500 men. That was scarcely an average of forty-five men to the company. General Plume had himself been at the head of the brigade for sixteen years, and his practical experience easily enabled him to see that an attendance of 1,500 men at an encampment indicated an average attendance of less than forty men per company at the other parades and drills.

So, even on the basis of General Steele's figures, Major-General Plume saw that the brigade was top-heavy and that there was an absurd proportion of officers to rank and file. There were 84 regimental field and staff officers, 21 to each of the 4 regiments; 57 battalion field and staff officers, 19 to each of the 3 battalions; 99 company officers, 3 to each of the 33 companies, and 4 in the Gatling gun company. This total of 244 commissioned officers formed the proportion of one commissioned officer to every six men in the brigade. In addition to these commissioned officers, there were of non-commissioned officers 5 sergeants, 5 corporals and 2 musicians for each of the 34 companies, a total of 408. These, with the 244 commissioned

officers, made a grand total of 652 commissioned and non-commissioned officers in the force of 1,500 men.

This proportion of more than two officers out of every five men in the brigade made its re-organization an imperative military duty; and Governor Green's attention had been called to it before he made way for Governor Abbett. He saw the necessity of it, but he deemed it better to postpone it till the new drill regulations, then promised, had been issued by the General Government, when the re-organization could and would be made on lines to conform with them. Upon the accession of Governor Abbett for his second term, attention was again called to the matter, and it was his judgment, too, that it had better be in abeyance till the Federal Government had issued its anticipated mandate. The expected order did not come from the Secretary of War's office till October 3d, 1891.

The order read as follows:

"A board of officers having prepared a system of drill regulations for infantry, which has been approved by the President, it is herewith published for the information and government of the army, and for the observance of the militia of the United States."

The order thus prefaced called for the re-organization of the National Guard in all the States, on the battalion rather than on the regimental basis, or, to be more exact, on the basis of regimental organizations with not less than two nor more than three battalions of four companies each; and, as it was not formed on lines consistent with the newly-established system, made an overhauling of the entire National Guard of New Jersey imperative. It was so palpably necessary that the State Military Board made preparations for the changed order of things, and most of the regimental and battalion commandants urged action. A specially notable letter encouraging the move was written by Colonel Edwin A. Stevens, of Hoboken, whose regiment, the Second, was afterwards consolidated with other commands.

But it was neither necessary nor proper that the new lines should be conformed to till the new drill regulations had been

formally issued by the War Department. There was some question as to the time, and the State military authorities through Adjutant-General W. S. Stryker, entered into negotiations with the Federal authorities.

"We understand," he wrote, under date of March 29th, to the Adjutant-General of the United States Army, "that the order of the Secretary of War, dated October 3d, 1891, which appears in front of the new drill regulations issued by the 'Army and Navy Journal,' would not take effect until the regulations were printed and issued by the War Department. Has this been done, and are we to understand that this order has been promulgated and is now in force?"

The reply from Washington, bearing the same date, was as follows:

"Respectfully returned to General W. S. Stryker, Adjutant-General of N. J., Trenton, N. J., with a copy of the order requested inclosed, which has been promulgated and is now in force. The system of drill regulations referred to in the order has been printed and distributed to the army."

On receipt of this letter the new drill regulations were approved by the State Military Board, and were promulgated by Major-General Plume to the National Guard of New Jersey in this order:

HEADQUARTERS DIVISION,
THE NATIONAL GUARD OF NEW JERSEY,
NEWARK, April 2d, 1892.

GENERAL ORDERS, No. 3.

The New Drill Regulations for Infantry, prepared by a board of officers of the United States Army, of which board Lieutenant-Colonel John C. Bates, Twentieth Infantry, was President, having been approved by the President of the United States, and published by the Secretary of War for the observance of the militia of the United States, are hereby designated as the drill regulations to be used by the National Guard of New Jersey.

All infantry exercises and manœuvers not embraced in that system are prohibited, and those therein prescribed will be strictly observed.

By command of

MAJOR-GENERAL JOSEPH W. PLUME.

MARVIN DODD,
Assistant Adjutant-General.

Having promulgated the new drill regulations, it now became General Plume's duty to arrange the re-organization of the new brigades. It may be imagined that this was not an easy task. He first dealt with General Sewell's South Jersey brigade, and re-organized it through the agency of General Orders No. 6. As it explains just what was done there, the order is reproduced:

HEADQUARTERS DIVISION,
THE NATIONAL GUARD OF NEW JERSEY,
NEWARK, April 19th, 1892.

GENERAL ORDERS, No. 6.

I. In conformity with the new drill regulations, the "Battalion formation" is hereby instituted in the Second Brigade.

II. The Battalions will be organized as follows:

Companies A, B, F and G of the Third Regiment will constitute the First Battalion of that Regiment.

Companies C, D, E and H of the Third Regiment will constitute the Second Battalion of that Regiment.

Companies A, B, C and D of the Sixth Regiment will constitute the First Battalion of that Regiment.

Companies E, F, H and K of the Sixth Regiment will constitute the Second Battalion of that Regiment.

Companies A, B, C and D of the Seventh Regiment will constitute the First Battalion of that Regiment.

Companies E, F, G and H of the Seventh Regiment will constitute the Second Battalion of that Regiment.

III. One Battalion of each Regiment will be commanded by the Major of the Regiment, and the other Battalion by the Senior Captain of that Battalion.

IV. Details will be made in each Battalion of one First Lieutenant to act as Adjutant, and one Sergeant to act as Sergeant-Major of their respective Battalions.

V. The Brigade Commander will report to these Headquarters the names of the officers detailed.

By command of

MAJOR-GENERAL JOSEPH W. PLUME.

OFFICIAL:

MARVIN DODD,
Assistant Adjutant-General.

The military problems involved in the re-organization of the First Brigade were more knotty and intricate, but General Steele's death enforced the necessity for action. It was wise and opportune that the new formation should be made before

the selection of his successor; else the new brigade might go under the command of a Brigadier chosen by the vote of a board of officers that had been shuffled out of the service by the change. And while the canvass for the succession was still in progress General Plume, having perfected his plans for its re-organization, issued, on May 7th, 1892, General Orders No. 7, Headquarters N. G. N. J., that brought it about. As in the case of the order re-arranging the Second Brigade, this order itself explains the lines on which the First Brigade was re-organized, and is reproduced in full. It reads as follows:

HEADQUARTERS DIVISION,
THE NATIONAL GUARD OF NEW JERSEY,
NEWARK, May 21st, 1892.

GENERAL ORDERS, No. 7.

The following re-organization of the First Brigade is hereby ordered, preparatory to the "Battalion formation," to take effect on Tuesday, the 31st day of May, instant.

I. Company F, First Regiment, is hereby consolidated into Company C, First Regiment. Company D, Fifth Regiment, is hereby consolidated into Company G, Fifth Regiment. Company F, Fifth Regiment, is hereby consolidated into Company H, Fifth Regiment.

Commandants of Company C, First Regiment, and Companies G and H, Fifth Regiment, will select eighty of the best enlisted men of their respective companies after consolidation, and return the remainder, through the proper channels, for honorable discharge.

II. Companies A, B, C, D and E, First Regiment; Companies C, E, G and H, Fifth Regiment, and the Third Battalion, are hereby consolidated into one regiment.

III. The Second and Fourth Regiments are hereby consolidated into one regiment.

IV. The First and Second Battalions, Company G, First Regiment, and Company B, Fourth Regiment, are hereby consolidated into one regiment.

V. The numerical designation of the new regiments above created will be announced by the Adjutant-General.

VI. All Field and Staff officers, and the officers of Company F, First Regiment, and Companies D and F, Fifth Regiment, except the Brigade Staff, will be placed upon the retired list by the Adjutant-General.

All Non-commissioned Staff officers, except the Brigade Non-commissioned Staff, will be honorably discharged.

VII. Should any of the Field and Staff officers, who have been retired by this order, be elected or appointed to their former offices, they will be commissioned to take rank from the date as given in their former commissions.

Should any of the Non-commissioned Staff officers, who have been honorably discharged by this order, be appointed to their former offices, they will be warranted under the date of their prior warrants.

VIII. Any commissioned officer, who has been retired by this order, and not re-elected or re-appointed to his former office, who has faithfully served as a commissioned officer over fourteen years, will be retired with a brevet rank and commission of not more than one grade higher than the highest rank held by him during his term of service.

IX. Paymasters will at once turn over to the Paymaster of the Brigade all moneys remaining in their hands, in compliance with Par. 109 of the new compilation of the laws governing the National Guard.

X. Quartermasters will retain possession of the property for which they are responsible until the Quartermaster of the new regiment into which their organization has been consolidated, is appointed, when they will turn over to him all the property, taking duplicate receipts for the same, and forwarding one of the receipts to the Quartermaster-General.

XI. Senior Captains will at once assume command of their respective regiments, and will retain the same until a field officer has been elected and commissioned. They will also detail a Lieutenant to act as Adjutant until an Adjutant has been appointed and commissioned.

By command of

MAJOR-GENERAL JOSEPH W. PLUME.

MARVIN DODD,
Assistant Adjutant-General.

Colonel Barnard, whose Fifth Regiment was consolidated out of existence under the new dispensation, failed to take it philosophically. He claimed that it was a move on the part of the Democratic Major-General to put him out of commission and defeat his election to General Steele's place, because he was a Republican, and he made an appeal to Governor Abbett on the ground that General Plume had no right to issue the order. The Governor called upon the Major-General for a written report, showing what action he had taken in the matter. General Plume made an exhaustive response. This was referred to Attorney-General Stockton for an examination of the legal questions involved in the controversy.

"I read your report to the Attorney-General," Adjutant-General Stryker wrote to the Major-General some time subsequently. "He said you were correct in every point you made. He complimented you highly on the argument and said he would

say to the Governor this morning that there was no question that the power existed as stated by you."

The appeal of Colonel Barnard to the Governor led, however, to the discovery by the Major-General of a clerical error in the inspection-roll of Company F, Fifth Regiment, that was trifling in itself but important in its consequences, because it forced a new re-organization of the brigade. The error had made it appear that Company F was one short of the minimum complement of men. A more careful inspection of the roll showed that it had the complement and a man to spare. Its consolidation with other companies was consequently improper, and therefore General Orders No. 9, Headquarters N. G. N. J., June 8th, 1892, correcting the error and making such other changes in General Orders No. 7 as the reinstatement of that company made necessary, was as follows:

HEADQUARTERS DIVISION,
THE NATIONAL GUARD OF NEW JERSEY,
NEWARK, June 8th, 1892.

GENERAL ORDERS, No. 9.

General Orders, No. 7, from these Headquarters, dated May 21st, 1892, are hereby amended as follows:

I. Paragraphs 1, 2, 4 and 6 are hereby rescinded.

II. Company D, late Fifth Regiment, is hereby consolidated into the remaining companies of the late Fifth Regiment.

In making this consolidation each member of Company D will be permitted, as far as possible, to select the company into which he will be consolidated.

III. The late First Regiment and Companies C, E, F, G and H, late Fifth Regiment, are hereby consolidated into one regiment.

IV. The late First, Second and Third Battalions and Company B, late Fourth Regiment, are hereby consolidated into one regiment.

V. All Field and Staff officers, and the officers of Company D, late Fifth Regiment, except the Brigade Staff, will be placed upon the retired list by the Adjutant-General.

All Non-commissioned Staff officers, except the Brigade Non-commissioned Staff, will be honorably discharged.

By command of
MAJOR-GENERAL JOSEPH W. PLUME.

OFFICIAL:
MARVIN DODD,
Assistant Adjutant-General.

The issuing of the latter order was an unwelcome duty to the Major-General, and was deeply regretted by the other members of the State Military Board, because the organization called for in General Orders No. 7 was far better in every particular and strictly in conformity with their judgment, and they have taken every opportunity to express their regret at the necessity which compelled it.*

It had become more or less apparent, before either of the First Brigade re-organization orders was made, that Colonel Barnard was less acceptable as a candidate than Colonel Campbell was, and his chances of success had been further weakened by the understanding that the more conspicuous Republican, Colonel Wanser, was willing to accept the responsibilities of the place. In the bitterness of the partisan spirit of the times, it was said that Governor Abbett had inspired the re-organization with the belief that Wanser might be in the rivalry and for the purpose of defeating him. The closeness of the relations existing between Allan L. McDermott, whom Wanser had defeated in the Mayoralty contest, and the Governor, were known of all men, and it was suspected that he had planned the re-organization as a reprisal. The story of this chapter shows, however, that the movement was the logical sequence of military conditions and requirements without any relation to politics. The re-organization plan served, indeed, to take from Campbell, who was the only candidate left in the field against Wanser, part of the support he had expected in the close battle Colonel Wanser was giving him.

After an exciting contest the election was finally held, in pursuance of an order issued by the Major-General, and Colonel

* Previous to the execution of the above orders the First Brigade organization was as follows:

First Regiment, seven companies; Second, five companies; Fourth, six companies; Fifth, six companies; First Battalion, three companies; Second, three companies; Third, three companies; Gatling Gun Company, one company.

After the execution of the orders it stood, First Regiment, twelve companies; Second, ten companies, two vacancies; Fourth, eleven companies, one vacancy; Gatling Gun Company, one company.

Wanser was chosen Brigadier-General by a vote of five to four, shortly after he had assumed the Mayoralty of Jersey City.

It still suited the purpose of those who had been displaced by the re-organization to insist that it had been effected upon political lines, and three years later Lieutenant-Colonel Erlenkotter, of Hoboken, who had become a member of the Legislature, offered a resolution in the House demanding an investigation. General Plume met the demand with his own request for a thorough inquiry; and a Court of Inquiry, consisting of General Bird W. Spencer, General Wm. C. Heppenheimer and General Edward P. Meany, was appointed by Governor Werts. At the hearing Colonel Stevens, of Hoboken, who had failed to secure a rank in the new brigade, was the chief apparent sponsor for the charges. Colonel Barnard, chagrined because of his failure to reach the Brigadier-General's place, was active in forwarding evidence. The Hoboken companies of the Fourth Regiment had given trouble because of the election of H. H. Abernethy to the Colonelcy of the Fourth Regiment to which they had been attached, and the Major-General had disbanded them after they had repeatedly refused to respond to orders. Because he was a Hoboken man, Colonel Stevens was particularly interested in that phase of the controversy.

General Plume met the attack with the history of the re-organization as it has been unfolded here and the hearing resulted in his triumphant vindication.

Adjutant-General William S. Stryker, in General Orders No. 14, reported the finding of the court and its approval by the Governor. The court found, in the words of the order—

"That General Orders No. 7, May 21st, 1892, and General Orders No. 9, June 8th, 1892, issued by Major-General Joseph W. Plume, providing for the re-organization of the First Brigade, National Guard, were issued by General Plume in pursuance of the orders by him received from the Commander-in-Chief of the National Guard of the State of New Jersey;

"That the action of Major-General Joseph W. Plume, in disbanding Companies G, H, I, K and L, Fourth Regiment, First Brigade, National Guard, was taken after the Colonel commanding the said Fourth Regiment had officially reported that said companies were in a state of mutiny, and requested

that said companies be disbanded. This request of the Colonel commanding said regiment was approved by the Brigadier-General commanding the First Brigade;

"That Major-General Joseph W. Plume, by Special Orders No. 4, June 10th, 1892, did order an election to be held for field officers of the First Regiment, National Guard, and detailed an officer of the National Guard to hold such election. This order was issued by General Plume, owing to the fact that, at the time of the issuance of said order, the First Brigade was without a permanent commander;

"That Major-General Joseph W. Plume has not been guilty of unmilitary conduct toward the officers and men of Companies G, H, I, K and L, Fourth Regiment, National Guard;

"That Major-General Joseph W. Plume, by all his actions in connection with the subject of this inquiry, has shown himself to be an officer eminently well qualified for the command he now holds."

And in the form of a second announcement the Governor declared that "the report of the Court of Inquiry in the case of Major-General Joseph W. Plume is approved."

CHAPTER XXXI.

THE STORY OF THE FIRST OF THE RACE-TRACK EXCITEMENTS AND OF THE BIRTH OF THE ANTI-RACE-TRACK LEAGUE IS DETAILED HEREIN.

SUCH dictatorships as that which the Governor had established over the people are apt to rest upon reeds after all; and this of Mr. Abbett's proved to be a picturesque illustration of the rule. The head of a despotism resting upon the fealty of subordinates is, in the nature of things, forced to buy his peace with them only with costly concessions to them. Governor Abbett's lieutenants and underlings would have been far less shrewd than they were if they had not seen that his power was really theirs; and they made him pay well for their loyalty. They made demands upon him for legislation representing all kinds of excesses, extravagances, oppressions and corruptions, that must have irritated his conscience into a state of constant rebellion. To keep himself in favor with the crowd whom he had called to his aid in working out the senatorial problem before him, he was, neverthless, forced to yield to every importunity, to wink at every extravagance, to close his eye to every corruption of theirs. To refuse to approve was but to create an enmity that might drive some one of its hireling props to step from under his dynasty and to have it tumble about his ears.

The race-track question provoked an agitation in 1891 that shook the autocracy from center to circumference. The Monmouth race-course that, with its midsummer meets, made Long Branch and the seacoast resorts that surrounded it the gayest of summer capitals, had half reconciled the State to a little stretch of conscience in its behalf, and little freaks of legislation that

were occasionally indulged in to aid it had provoked no wide-spread revolt. But it was with manifest concern that the people saw less favored courses opened under the shelter of these laws; and their indignation swelled beyond bounds over the establishment of resorts at either end of the State where the horse and the paddock were but covers for open gambling. One of these was that maintained at Gloucester City, a suburb of Camden, under the supervision of William J. Thompson. The other was located at Guttenberg, one of the little Hudson river towns in Hudson county, and directly opposite New York. Thompson had been a barkeeper in Philadelphia. He was keen and shrewd, and he hoarded his earnings till he had amassed enough for the purchase of a tract of land on the Camden front of the Delaware opposite Philadelphia. This he turned into a pleasure ground, and it became a popular trysting place on Sundays for the Philadelphia beer-drinkers who found the bars of their own town closed against them. Thompson became famous, locally, for the planked shad spreads he provided there; and he brought himself into the notice of the public men of the State by inviting them to banquets in which the planked shad was the choice feature of the menu. As his wealth accumulated he extended his domain. He purchased water rights for the fishing privileges they included, and, looking inland, spread his possessions over a vast acreage of territory. Upon the lands he built stables and had a track graded, and horse-racing went on there the year around. Enormous rabbles of unsightly-looking sports gathered at them to bet and gamble; and from the gate receipts and the sale of privileges to the "bookmakers" he, in the course of a few years, amassed a seven-figure fortune.

Dennis McLaughlin was the moving spirit in the track at Guttenberg. He associated John Carr, who had once been a Justice of the Peace in the neighborhood where he was most potential, Nicholas V. Crusius, a blubber-like sport of Hoboken, and one Walbaum, known well to all the bookmakers of New York, with him. They four laid out a patch of land near the brow of the Palisades as a race-track, and another horde of ill-favored betting men and women flocked to it to help make them

rich. It was common report that they divided $4,000 a day between them, and as the racing season was quite as endless a one there as that at Gloucester City, their annual income from the place was something enormous.

The opening of these resorts to the kind of people who patronized them served to start an inquiry, in public quarters, into the gambling laws of the State, and the result was the withdrawal of all the legislative countenance that had been extended to pool-selling and race-track betting for the protection of the midsummer meets at Monmouth. New Jersey was willing to lose Monmouth if she must have Guttenberg and Gloucester City as complements of it. But by a perversity of fortune the only track that was hurt by the repeal of these favoring laws was the one that the people were half willing to see open.

William J. Thompson.

It had no repressive effect whatever upon the more obnoxious places that had sprung up under its shadow. The good people of Camden frequently hauled Thompson to the bar of justice; but Judge Hugg, the magistrate before whom he was arraigned, owed his place to Thompson's influence, and he was let go with a light fine as often as he was arraigned. The attempt to punish the managers of the Guttenberg track did not even reach the point

of arraignment. The business of that resort was one of the highly-protected industries of Hudson county. Sheriff Davis's grand juries set their face resolutely against their indictment, no matter how convincing and conclusive the evidence presented against them. Rev. John L. Scudder, a bright and public-spirited young minister, who had then recently been called to the pulpit of the Tabernacle Congregational Church, in Jersey City, organized frequent raids upon the place and produced no end of witnesses before the grand jury; but their testimony went for nothing. One of the particular functions of the grand juries seemed to be to close their ears to all that might be said against the Guttenberg den. And so the trial and conviction by the courts of the managers and their aides was systematically frustrated. No amount of coaxing or denunciation on the part of Judge Manning M. Knapp could stir these forsworn inquisitors to the discharge of their duty in the premises, and they were so brazen and defiant—both the gamblers and the grand juries who shielded them from the terrors of the law—that the classic-featured Judge grew restive under the sense of his helplessness as a public mentor, and one morning while denouncing a contumacious grand jury in burning words for the shame its inactivity was bringing upon the county, he burst a blood-vessel in a moment of overwhelming indignation, and expired on his Bench under the eyes of the people whom he was so zealously endeavoring to serve.

For anyone to face such discouraging conditions as these with an act restoring her lost privileges to Monmouth Park, needed an audacity that had a dash of courage in it. Assemblyman William T. Parker, a Monmouth county Republican, ventured to do it during the legislative session of 1890, with an act taking the race-course betting-booths out of the category of disorderly houses. The Monmouth course was in his district. It brought wealth and patronage to the farmers and tradesmen in its vicinity, and he felt that he was but fairly representing his people in moving for the re-opening of the closed gates. He succeeded in forcing the act through, and it was among those left in the Governor's hands at the close of the session. It attracted but

little attention till one day, near the end of the time for which he could consider passed bills, the Governor dropped a hint in the newspapers that, while the people interested in the race-tracks had besieged him to approve the bill, not a single man opposed to it had called upon him.

"A race-track that had been laid out at Linden, near Elizabeth, awaited just such a license as this act of Parker's conferred," said the venerable Rev. Dr. Kempshall, an aggressive Presbyterian divine of Elizabeth, "and the moment we saw that little notice in the newspapers that Saturday morning our people were thrown into a ferment of excitement. Before I began the morning services at my church the next day, we organized a little committee and sent a man to the door of each other church in the city to summon the people to attend an impromptu mass meeting for the expression of the public sentiment against this race-track license act. We had to move quickly because the time was short; only three days remained for the Governor to make up his mind as to what he would do with the bill. That Sunday morning meeting of ours was the nucleus of the Anti-Race-Track League of the State. The hasty mass meeting was an enormous success and on Monday we poured into Trenton such a delegation of protesting citizens that the Governor concluded that he could not afford to ignore them. When they learned what we had done, churches in other cities joined in the demonstration and committees from them helped to swell the multitude. Before we left the Executive Chamber Monday afternoon, we had completed the organization of the Anti-Race-Track League that for four years afterwards made such a bitter contest against State recognition of the gamblers and touts of the race-courses."

Rev. Dr. Kempshall was made the President of the League, with a list of officers embracing John T. Brown of Paterson, S. S. Thompson of Elizabeth and James S. Yard of Freehold for Vice Presidents; Rev. S. B. Meeser of Paterson for Secretary and Treasurer, and Thomas N. McCarter of Newark, Caleb T. Bailey of Asbury Park, Charles C. McBride of Elizabeth, and Frank Hughes of Paterson as an Executive Committee.

They selected of their number to urge Governor Abbett to refuse his signature to the act a delegation consisting of Rev. Dean McNulty of Paterson, Rev. J. H. Whitehead, J. J. Bowes, Frank Hughes, W. O. Fayerweather, Rev. C. L. Meriam, Rev. S. B. Meeser, Samuel Phelps, James M. Cleveland, Rev. J. C. Jackson and John Reynolds, all of Passaic county; Rev. N. McAllister, Howard Richards, C. C. Taintor, C. C. McBride, J. M. Watson, Charles Jaquette, Rev. E. W. Burr, all of Union county; Rev. C. Martin of Moorestown, Rev. Charles P. Glover of Ewing, Rev. Dr. John Dixon, Rev. C. M. Aurand and Rev. H. Woolverton of Trenton, and Rev. D. B. Hains, S. C. Cowart and James S. Yard of Freehold.

When he had heard both sides, and all sides, Governor Abbett felt that an approval of the bill would be an offense to the moral sense of the State that he could not risk, and he filed it away, with a lot of other waste of the session, in the State Library. The racing men were wroth at this disposal of the measure by which they had set so much store, and their open threat to square accounts with him was the first shock that menaced the solidity of his autocracy.

During the agitation it came to the knowledge of Rev. Dr. Kempshall that the good Dr. Joseph B. Roe, who represented Gloucester in the State Senate, and whose vote had aided to put the bill through the Senate, was a conspicuous churchman—deacon, in fact, of a church of the same denomination with that to which Dr. Kempshall belonged. Dr. Kempshall thought that that was an awful thing for a Presbyterian deacon to be doing, and when the Synod met a month or two later he called the case to its attention and proposed that the good doctor should be disciplined. The passage of the Race-track bill was denounced by resolution, and Dr. Roe was inferentially discredited. His term in the Senate expired that fall, and when he stood for re-election not even the admirable record he made later in the year in connection with the Hudson county ballot-box fraud investigation was sufficient to save him from defeat.

CHAPTER XXXII.

WHICH RECOUNTS THE STORY OF THE COAL COMBINE AND OF ITS DISMEMBERMENT BY CHANCELLOR MCGILL, AND INCIDENTALLY EXHIBITS ITS BEARING UPON GOVERNOR ABBETT'S SENATORIAL CANVASS.

THE SESSION of 1892 furnished another incident that shadowed Governor Abbett's power even more seriously. The race-track legislation had apparently left no trace of its antagonisms behind it. Parker was returned to his seat from Monmouth by an increased majority. Every one of the seven districts from which a new Senator was to be chosen elected a Democrat, and the Democrats won the Legislature in both branches by almost unwieldy majorities. They were a reckless crowd—the personal followers and dependents of the bosses—and before the session was over they had been betrayed into giving the sanction of law to a grasping railroad combination, which became famous as the "Coal Combine." This consolidation of the largest of the railroads that handle the coal output of the anthracite region, with a view to "bearing" the New York market and "jacking up" the price of the product, became a scandal. The combination was of special interest to New Jersey householders and factory-owners because it is mainly from those extensive coal-beds in Pennsylvania that their hearth-stones and furnaces are supplied. The story of the combination is admirably outlined in a decision subsequently made by Chancellor McGill, and it is from that decision (reported in 5 Dickinson's Equity Reports) that the facts here produced are taken.

The coal reaches New York from these mines over several lines—the New Jersey Central in conjunction with the Lehigh and Susquehanna, the Philadelphia and Reading in conjunction with the Lehigh Valley, the Delaware, Lackawanna and

Western, the Delaware and Hudson Canal and the Pennsylvania. The coal business of the Jersey Central and its ally, the Lehigh and Susquehanna, was conducted by capitalists interested in the two roads under the name of the Lehigh and Wilkesbarre Coal Company. That of the Philadelphia and Reading was done under the guise of another corporation known as the Reading Coal Company. The Philadelphia and Reading boasted of a production in 1891 of 8,203,460 tons of coal, and in its prospectus claimed that, when allowance was made for the thickness of the veins and the extent to which other coal-beds had been depleted, it alone owned fifty per cent. of the unmined deposit of all these extensive coal-fields. Its outlet to New York was the Lehigh Valley Railroad Company. The Jersey Central's lessee, the Lehigh and Susquehanna, controlled, through the Lehigh and Wilkesbarre Coal Company, another large area of coal-land. Its proportion of the entire output of the region could not have been less than twenty per cent., and Chancellor McGill's conclusion that between them seventy per cent. of all the coal in the anthracite mines was at their disposal may be regarded as a conservative one.

It can easily be seen that a combination between these roads, with their auxiliary mining companies, to go jointly into the business of mining coal, would enable them to produce for less and sell for more, and steps were taken in 1891 to form such an alliance. There were intimations that the Delaware, Lackawanna and Western Railroad Company and the Delaware and Hudson Canal Company were eventually to join the league, and the movement had the aspect of an ultimate combination of the five other anthracite coal roads against the Pennsylvania. Such an alliance must needs be perfected cautiously, however. Because of an act of 1885 prohibiting the leasing of a domestic corporation to a foreign corporation, it was not possible for the Jersey Central to make a direct league with the Philadelphia and Reading, which was the object really aimed at; and the necessity of making the link through the agency of a New Jersey corporation forced them to whip the devil around the stump. The organization, by a party of gentlemen consisting of President McLeod and five other officers of the Philadelphia

and Reading, of what was to be known as the Port Reading Railroad Company, was the first step towards the making of the combination. The object of this new company was to extend a road from Bound Brook, on the Philadelphia and Reading, overland to tide-water on the Arthur Kill, where an extensive coal depot was to be established. Its designated capital was $2,000,000. It was to have its business headquarters nominally at Kaighn's Point, N. J., where the Camden ferry of the Philadelphia and Reading was located. It had no assets apart from the Philadelphia and Reading; it was plainly a wheel within the Philadelphia and Reading wheel. The same day this incorporation was made, other officers and agents of the Philadelphia and Reading formed the Port Reading Construction Company, which immediately entered into a contract with the Philadelphia and Reading to build the Port Reading road, and $2,000 was the plainly inadequate cash capital with which it commenced business.

Robert Adrain.

To the insignificant, dependent and irresponsible railroad corporation which was thus formed and whose line was to be thus built, the Jersey Central Railroad soon afterwards delivered itself, with its more than forty tributary roads, its capital stock of $30,000,000, its assets of close on to $70,000,000, its great water-front franchises, its stores of rolling stock, its depots and locomotives and workshops, under a lease, the observance of the terms of which was guaranteed by a $2,000,000 bond of the

Philadelphia and Reading; and when the papers had been completed the leagued roads were ready for the joint business that had brought them into alliance. Even after the plans had been perfected there were yet weaknesses about them that left them open to attack, and for the purpose of curing them the allied corporations offered to the Legislature of 1892 a bill legalizing the combination. Ex-Congressman Miles Ross, then the most considerable political factor in the middle section of the State, managed the coal market in New York for the Lehigh Valley or the Philadelphia and Reading, and the passage of the act was entrusted to his skill and discretion.

When the newspapers made announcement of the alliance and explained its purposes and results, the people of New Jersey became restive, and there was no end of clamor for legislative interference that would overthrow the combine. Soon after the opening of the Legislature of 1892, the matter was brought to the attention of both branches—by Hinchliffe, of Passaic, in the Senate, and by Lane, of Union, in the Assembly. Both introduced resolutions assailing the combination as an unlawful one, and called for a committee of investigation. Mr. Lane's manifesto was hurled in advance of that of Mr. Hinchliffe, and it attracted the wider attention. There was a noticeable laxity in the pursuit of both investigations, however, after they had been ordered, and no report had been heard from either of the special committees, when Assemblyman Leonard Kalisch, of Essex, boldly introduced a bill setting the seal of the State's authority upon the crafty lease. It was evident from the moment the bill made its appearance upon the files of the House that it was intended to "go," and that the entire pressure of a powerful clique of political managers was to be exerted in behalf of its passage.

These gentlemen were all Democrats high in the counsels of the party, and they succeeded in giving to the act a partisan aspect that furnished the Democratic Assembly with a party pretext for pushing it along to the statute-books. It was said that the backbone of the Republican party in New Jersey was its alliance with the Pennsylvania Railroad Company, and that

the bestowal of this favor upon the Lehigh Valley or its namesake, the Philadelphia and Reading, would bring to the aid of the Democrats, in their political campaigns, an equally powerful and equally wealthy railroad corporation. Other arguments advanced in its behalf were that, as two roads working together would produce with less cost, the people would realize the benefit in the reduced price of coal, and that the act merely permitted such a lease as the United Railroads had made in one year to the Pennsylvania Railroad Company, and as the Morris and Essex had made another year to the Delaware, Lackawanna and Western. So that it was urged as not only a good stroke of politics for a Democratic Legislature, but as a thing that was itself fair in principle. These arguments were but a convenient cover for the baser considerations by which members of both Houses were being persuaded to support it; and during the excitements that ensued the New York "Herald" made open charges of bribery, that they never dared to subject to the tests of libel suits, against several members of the Legislature.

Notwithstanding the fact that the disgraceful character of the methods employed by the lobby to advance the act were an open secret, the bill was rushed out of the committee-room to the House calendar and whipped through its three readings to final passage at a single sitting. Schoolmaster Eugene C. Cole, the sharp-tongued Republican member from Cape May, tried to block it with an adverse minority report, and made a handsome speech against it. John Woodhull Beekman, an odd genius, representing one of the Democratic districts in Middlesex, and Kalisch, the father of the bill, espoused it. Beekman subsequently claimed, with some degree of plausibility, that the act would have given enormous impetus to business in his locality.

"It would have established near my home," he said, "the greatest coal depot in the world, and of course I was in favor of it."

J. Herbert Potts, of Hudson, seconded Cole, but all their efforts were fruitless.

Potts tried to impale the swiftly-speeding measure on a point of order that, under the rules, it could not be advanced two

stages in one day, but Speaker James J. Bergen took him off his feet with the announcement that the rules had been suspended; and through the act rushed by a vote of 35 to 17.

In the affirmative were Beekman, Bergen, Carroll J., Carroll T. J., Cavanagh, Coyle, Daly, Davidson, Dempsey, Dupuy, Flynn, Glorieux, Hardin, Heaney, Honce, Kalisch, Lane, Lawless, Magner, Moylan, Nash, Neider, Parker J., Smith J. F., Smith Thos., Snyder, Strimple, Swartwout, Tahen, Tumulty, Ulrich, Warne, Wilson, Wright, Zeller.

Henry D. Winton.

In the negative were Baxter, Burns, Ernst, Gledhill, Hagerty, Hoffman, Hutchinson, Ketcham, Niece, Packer, Post, Potts, Ross, Smith F. D., Stokes, Strahan, Tine.

The act was hastened to the Senate, which had been held in session by President Adrain beyond hours to receive it, so that it would be in parliamentary position for consideration on the next morning. Adrain was the chief lieutenant of ex-Congressman Miles Ross, and naturally shared his interest in its passage. When the morning came, however, it was discovered that some of the Democratic Senators were still in haggling humor, and President Adrain abstained from dropping the gavel and calling the Senate to order while they were being put under additional pressure. When he finally called the Senate together the bill was rapidly advanced to the stage of final passage. Senator Gardner, of Atlantic, punctured it keenly as it flitted along, but without crippling it. Adrain, Barker,

Barrett, Butcher, Cornish, Fowler, Hinchliffe, Hudspeth, Marsh, Martin, McMickle, Miller and Perkins voted for it.

Senator Henry D. Winton, editor of the Hackensack "Democrat," who represented Bergen county in the Senate, was the only Democrat who joined with Senators Cranmer, Gardner, Rogers and Rue, Republicans, in the vote against it. Senator Winton had noted the provision that the act was to cease to be operative twenty-four hours after the lease it was intended to ratify had been filed as a freak of legislation that at least was not in good form; and of course he fully understood and appreciated its monopoly tendency. As the Democratic party had committed itself against trusts and combines, he found good party reasons also for casting his vote against it. And, beyond all these considerations, he felt that he could not afford to be identified with the methods employed to pass it.

The bill was sent, with a great mass of other legislation enacted by the two Houses during the session, to Governor Abbett's office on *sine die* adjournment. He had thirty days within which to dispose of it. Because it had been passed ostensibly to bring to the back of the Democratic party as big a railroad as that which the Republican party had at its back, and because it was especially desired by so powerful a lieutenant of his as Miles Ross, it was at first assumed that he would favor it with his signature at once. He delayed, however, and gave the newspapers an opportunity to inflame public sentiment against it till, if he had been ever so much inclined, he would scarcely have dared to sign it. And a day or two before the expiration of its time he dropped an intimation through the New York "World," which in common with almost all the New York newspapers had been fierce in its denunciation of the measure, that he would be forced to disapprove it. Senators and Assemblymen who had compromised themselves by voting for the act, on the assurance that he would approve it, flocked to his office in New York to reason with him; but he had made up his mind. He was deaf to all their pleadings, and on the last day allowed him for its consideration he filed it among the lost bills of the session, with a special message explaining that the Houses had passed it

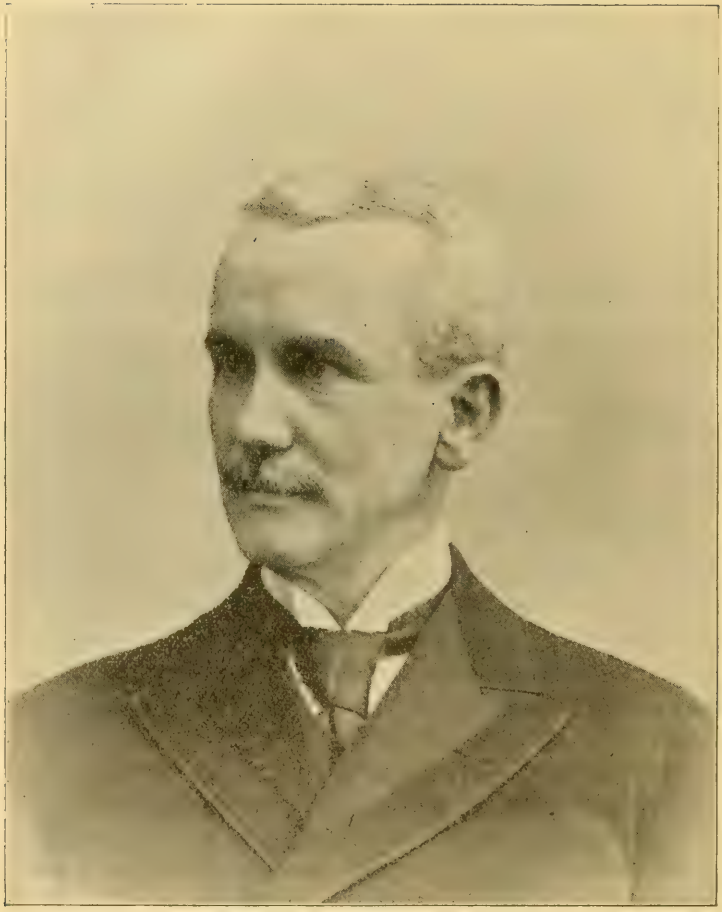
on a specific engagement of the leagued roads that they would not increase the price of coal to New Jersey consumers, but that he had found it impossible to sign it because of his inability to force them to put this engagement in such shape as that they would be bound by it.

The public excitement aroused by the passage of the act was so great that the Democratic leaders scarcely felt it safe to risk their chances of success in the succeeding Assembly campaigns even to the gerrymander; and there was a notable exclusion from the conventions of Assembly statesmen who had given their votes for the bill. All through Essex word went abroad that none of the Assemblymen whose names appeared in the record of the "aye" vote should be put in renomination and the order was carried out. Miles Ross had the supurb audacity to run his three Middlesex Assemblymen through the local conventions; and, probably because it was understood that the act would promote the establishment of great coal depots on the Raritan Bay shore, the people re-elected them. Johnston Cornish, too, who represented the county of Warren at the time succeeded subsequently in making a successful canvass for Congress in spite of the support he had given to the bill. Mr. Cornish was the prime Democratic factor in Warren county. His father had been something of a boss there before him and had been a predecessor of his son in the State Senate. The younger Cornish succeeded in compassing a nomination for the

Johnston Cornish.

Senate even before he had attained the constitutional age of thirty years; but he withdrew when his age disqualification was brought to his notice. At the next election, in 1890, he won the seat and there he so strengthened his lines that even his vote for the Coal Combine bill was not a sufficiently potent argument to defeat him when in 1892 he ran against Benjamin F. Howey for a seat in Congress. These were, however, exceptional instances of good fortune. Wherever in other parts of the State an advocate of the coal combine measure ventured to seek re-election he encountered popular opposition that defeated him.

Miles Ross was angered beyond expression when he learned of the lame and impotent conclusion of his winter's work, and with the Senators and Assemblymen whose votes had passed the bill, openly charged that the Governor had betrayed them and as openly predicted that he should be punished for the betrayal by the loss of the United States Senatorship. In the hope of making up in popular support for the machine support that he thus stood the chance of losing, Governor Abbett started out in relentless pursuit of the coal syndicate, which was steadily profiting its combination by advancing the price of its mine products. The combination still insisted that the lease was good even without the legislation he had defeated, and the legal inquiries made by himself and that ablest of advocates, Attorney-General Stockton, led them to the conclusion that there might be something of basis for the boast. They had put their combined skill and genius upon the problem for several weeks before they were prepared for the attack. When they had equipped themselves they advanced upon the leagued companies front, rear and flank. The decisive battle was now on an application made, upon information, to Chancellor Alexander T. McGill by the Attorney-General and Frederic W. Stevens, on behalf of the State, for an order requiring the leagued companies to show cause why an injunction should not issue against them. The immediate object of the information upon which the injunction was asked was to have the lease by which the Central Railroad Company had turned its great properties over to the little Port



Alexander T. McGill.

Reading Railroad and the tripartite agreement into which those two roads and the Philadelphia and Reading had entered, declared void on the ground that they tended to create a monoply of the anthracite coal trade in New Jersey by stifling competition between the contracting corporations and thereby to increase the price of the coal which Jerseymen most consumed. The counsel sought a mandatory decree requiring the Port Reading Company to give back to the Jersey Central the property it had leased to it and forbidding the three corporate defendants from all future combinations to arbitrarily increase the price of coal to the inhabitants of the State of New Jersey.

The case was presented and argued with matchless skill on both sides. Those who heard it say that Attorney-General Stockton's speech stamped him as one of the greatest pleaders in the country. Arrayed against him and Mr. Stevens were the shrewd, sleek and oily ex-Chancellor Benjamin Williamson of Elizabeth, Robert W. De Forest of New York and Samuel Dickson of Philadelphia, on behalf of the Central, and by Thomas N. McCarter and John R. Emery of Newark, both prominent at the New Jersey bar, and John T. Johnson of Philadelphia, on behalf of the Philadelphia and Reading. The general contention of the State's lawyers was that the lease to the Port Reading was in violation of an act forbidding the leasing of domestic railroads to foreign corporations without the express consent of the Legislature, and that the violation of this law lay in the fact that the lease to the Port Reading was really a lease to the Philadelphia and Reading, a Pennsylvania corporation. During the course of the arguments, the counsel for the defendants succeeded in injecting into the discussion some neat technical points that taxed the best mental resources of the Chancellor. The Chancellor's decision, rendered in August, 1892, shortly after the argument, was to the effect that the lease was practically to a foreign corporation, and that it was in violation of the duty the Jersey Central owed to the State. The decision is of such wide interest, and so clearly defines the relations of the corporations to the community from which they derive their franchises and existence, that it must be liberally quoted from:

"Corporate bodies that engage in a public or quasi-public occupation are created by the State upon the hypothesis that they will be a public benefit," he writes; "they enjoy privileges that individuals cannot have. Perpetual or certain life is accorded to them. Usually the authority of the right of eminent domain is delegated to them, often to be exercised in whatever locality they may be pleased to designate. The use of the common highways is frequently subordinated to their operations and, indeed, the individual is compelled, even in his own home, to submit without redress to discomforts incident to their lawful operation which he would not be required to tolerate from other sources. Thus they are given special privileges because of the benefits they are presumed to confer upon communities. Railways afford speedy and comfortable passage to and from divers parts of the country, carry produce of mines, farms and factories to markets, distribute industries throughout the land, feed the multitudes in populous cities, and accomplish many other beneficent ends. Water, gas, telegraph and similar corporations also render to the public benefits which readily suggest themselves to the mind as it contemplates their work. While the State confers special privileges upon these favorites it at the same time exacts from them duties which also tend to the public welfare. The whole scheme of the laws of their organization is to equip and control them as instruments for the public good. Such corporations hold their powers not merely in trust for the pecuniary profit of their stockholders, but also in trust for the public weal. The impress for public good is stamped upon their very being, and it becomes a duty which, though not prescribed in express language of the law, is to be implied from the nature of every power conferred. When, therefore, it appears that such a corporation, unmindful of this plain duty, acts prejudicially to the public in order to make undue gains and profits for its stockholders, it uses its powers in a manner not contemplated by the law which confers them. The use becomes abuse and is tantamount to excess of power.

"I appreciate the strength of this argument, but, as I have said, I do not need to affirm it to justify my conclusions, and therefore content myself with the mere statement of it.

"Anticipating that I might hold that the act of 1880 is constitutional, and that it gives power to the Central Railroad Company to lease its road and franchises, the Attorney-General further urges, first, that the lease in question is in reality made to a foreign corporation; and, second, that such a lease is forbidden by the statute approved May 2d, 1885, entitled 'An act respecting the leasing of railroads,' except under conditions which do not exist.

"I agree with him in both of these propositions.

"Equity looks at the substance, not merely the outward form. The transaction of the twelfth of January, 1892, between the three defendants consists, in form, of a lease between two of them, and a guarantee of that lease, coupled with a traffic agreement to which all three of them are parties. Such is the form. But when the fact that a law which, in its terms, prohibits a lease to a foreign corporation without legislative sanction, is contemplated, and regard is had to the characters and relations of the contracting parties, and to the terms of the instruments they have entered into, and the simultaneous execu-

tion of those instruments, a substantial status differing from the form is disclosed. The statute forbade a lease to the Philadelphia and Reading Railroad Company, a foreign corporation, until a law should be enacted which would approve such a lease, but it did not prohibit a lease to a domestic corporation. The Philadelphia and Reading Railroad Company, through its officers and servants, had promoted the organization of the Port Reading Railroad Company under the General Railroad law of this State for the purpose of building and operating a short railway in connection with its system. The capital of that company is $2,000,000. The road is only twenty miles long. When the lease was made it was but partially constructed. Upon such assets as it then had there existed a mortgage for $1,500,000, an amount probably in excess of the value of those assets. No one can for a moment believe that the Central Railroad Company of New Jersey would commit its extensive railroad, with its depots, stations, terminals, rolling stock, ferries and forty auxiliary roads, in all representing assets valued at nearly $70,000,000, to the keeping of so irresponsible a lessee, and depend upon it alone for the security of that property and the payment of a rental which, for a single year, will exceed the value of the lessee's entire property. The mere statement of such a proposition exhibits a business absurdity. The lessee was not only irresponsible under such a trust, but was not in position to afford the Central Railroad Company even a temporary benefit from alliance with it. Without the sustaining arm of the Philadelphia and Reading Company a lease to it would not have been thought of.

"The recitals of the guarantee admit this absurdity by representing that the Central Railroad Company would not lease until the Philadelphia and Reading Company, entering into the same transaction, and as a party thereto, executed the paper called the 'guarantee.' That paper expressly embodies the lease and bound the Philadelphia and Reading Railroad Company to the virtual execution of it. The lease, so called, with the Port Reading Company was a mere form. The guarantee was the really operative and important paper. Without it the Central Railroad would not be assured of its rental and the traffic that was necessary to make the proposed alliance profitable, for the Port Reading Railroad Company, as a distinct entity, was irresponsible and without power to assure traffic.

"But more than this, the Port Reading Railroad Company is, for all substantial purposes, the Philadelphia and Reading Railroad Company. It is confessedly owned by individuals who represent and serve the Philadelphia and Reading. Its capital stock, save a few shares, has gone, or is to go, to a construction company which unquestionably belongs to the same interest. The construction company is officered by the servants of the Philadelphia and Reading Railroad Company. It has commenced work with an insignificant paid capital, $2,000, and it has confessedly drawn moneys from the Philadelphia and Reading Railroad to enable it to build the Port Reading road. The business offices of both the Port Reading Railroad and the Port Reading Construction Company are identical with the principal office of the Philadelphia and Reading Railroad Company. A glance at the execution of the guarantee

exhibits that the same individuals are President and Secretary of both the Port Reading Railroad Company and the Philadelphia and Reading Railroad Company. By official reports stockholders of the Philadelphia and Reading Railroad Company are informed that the Port Reading Railroad is 'their' road, and, in substance, that it is expected to earn an adequate return for 'their' investment in it. In the face of such a situation it is idle to say that the Port Reading Railroad Company is not in all things, save in its intangible and unsubstantial corporate entity, the Philadelphia and Reading Railroad Company. It is only necessary to state these particulars to satisfy the mind of the justice of this conclusion.

"It follows from the conclusion reached, that the intervention of the Port Reading Company as nominal lessee is but a device to disguise the real nature of the transaction. It is demonstrated as clearly as words could state it, that the object of the transaction was to place the Central Railroad within the Philadelphia and Reading Railroad system. The Central's reliance was not upon the small unfinished road, with a comparatively petty capital and little or no valuable assets, but upon the Philadelphia and Reading Railroad Company, that estimated its assets at $200,000,000. It is sticking in the bark to say that in this transaction the Philadelphia and Reading Railroad Company is not the real lessee, and that the guarantee executed by it is not the real lease. The misnomer of papers and the use of a nominal entity as nominal lessee does not change the substance of the transaction with which this court deals. The situation here may be summed up in the words of Vice Chancellor Kindersley in Attorney-General *v.* The Great Northern Railway Co., 1 Drew. & S. 157, 6 Jur. (N. S.) 1006, 29 L. J. 794: 'A more flimsy device, when the particulars are once known, it is impossible to imagine. It may succeed for a time in baffling persons who may have an interest in preventing its being done, and has succeeded, but it was a mere crafty contrivance to evade the requisition of the law on the subject of joint stock companies.'

"It must not be thought that courts are powerless to strip off disguises that are designed to thwart the purposes of the law. The mere suggestion of such a condition is an insult to the intelligence of the judiciary. Whenever such disguises are made apparent they can readily be disrobed. The difficulty is in showing the disguises, not in penetrating them when they appear.

"Now what is the effect of the act of 1885?

"It consists of three sections. The first forbids any railroad corporation to lease its road or franchises to any for ign corporation; or to unite, consolidate or merge its stock, property, franchises or road with those of a foreign corporation until the consent of the Legislature of this State thereto shall have been obtained. The second prescribes how that consent of the Legislature shall be obtained. The third section repeals inconsistent legislation. In short, the effect of the act is to withdraw the power to lease given by the statute of 1880, so far as a lease to a foreign corporation is concerned.

"The defendants attack this act by claiming that it contravenes two requirements of the Constitution, contained in paragraph 11, section 7, article IV., one of which is that the Legislature shall not pass any private or special law

'granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever,' and the other of which is that 'the Legislature shall pass no special act conferring corporate powers.' Their argument is that the proposed lease is to be without validity until it shall be approved by an act of the Legislature passed for that purpose, and that as any lease, to be approved, will be replete with conditions, covenants and terms which, in their very nature, are special and inapplicable to any person, natural or artificial, other than the contracting parties therein, any, even general, act ratifying it must confer a particularly limited power, and to some extent exclusive privilege, upon the corporate parties to the lease.

"If this argument should be applied to a law specially passed to sanction a particular lease, it might be regarded as sound, but as no such law has been passed it is obvious that its validity cannot be discussed or determined. The law now considered is the act of 1885. That act does not confer either a power or a privilege. Its object is to restrict or condition the exercise of an existing power. The objection urged, then, properly should be that the law of 1885 cannot constitutionally be put in force according to the legislative intent, and to sustain that objection it must appear that an attempt to act under the law will, of necessity, induce legislation that will be unconstitutional and therefore void, and the argument will be that as for that reason no action under the law can be successful, the law is incapable of being performed, and therefore binds not.

"It is to be observed, however, that the reference to a subsequent Legislature is couched in terms which manifestly contemplate a lawful exercise of the law-making power. The action is to be by 'an act passed for that purpose.' The statute attacked, then, contemplates a law to be subsequently made by a power equal to that from which it sprang. It cannot dictate the terms of such subsequent law. When it prescribed that action should be by law, it surrendered power over that action. I must assume that the statute questioned was enacted in the light of this fundamental principle, for the lawmakers are entitled to every presumption in favor of their knowledge and wisdom. Cooley Const. Lim. 219.

"Viewed in this light, the legislative purpose appears to have been, not to inaugurate a permanently prohibitory policy concerning leases to foreign corporations, but to forbid them until they should have legislative sanction. Having no power over subsequent legislation, the law could not prescribe that that sanction shall be given in special terms, nor does it intend to so prescribe. Its purpose is to lead the proceeding for sanction to a point where its power must cease and there surrender it. It in effect prescribed that railroad corporations of this State shall not lease to foreign corporations without the sanction of law to be hereafter enacted; that it is not the policy of the law to permanently prohibit such a lease, but it does now prohibit it, and will prohibit it, until hereafter a law to be enacted shall permit it; until a future law shall, in the light of the terms desired, prescribe terms under which it may be made.

"That such uncontrolled future law need not be special, is too plainly apparent to require discussion.

"The law of 1885, then, is constitutional and is applicable to the lease now questioned. And it follows that the lease was made not only without legal sanction but in defiance of an expressly prohibitory statute.

"There has been some disagreement among the cases as to whether an injunction will issue at the instance of the Attorney-General to restrain every excess of corporate power, or whether, before it issues, actual threatened injury must be manifest. The argument which sustains the first class of such cases is that every excess of corporate power violates the contract with government, and thereby invades public and governmental rights. The law deems such invasion to be a public injury. An apt illustration is to be found in the case of Thomas *v.* West Jersey Railroad Company, 101 U. S. 71, where there was an unauthorized lease of a railroad. The Supreme Court of the United States there held that the franchises and powers granted to a railway company are designed to be exercised by it for the public good, and this purpose enters into the consideration for the grant. Any contract, therefore, by which the corporation disables itself to perform those duties to the public, or attempts to absolve itself from their obligations without the consent of the State, is a violation of its contract with the State and tends to the public injury.

"The argument to sustain the other class of cases is that a court of equity should not move upon mere legal intendment, but should be satisfied of a real, substantial public injury which demands the writ of injunction in the due protection of the public. In the use, at least, of a preliminary injunction, the latter class of cases appears to be the better founded in fitness and reason, for if there be no present emergency to be met, why may not the injunction be reserved until final hearing?

"But the exhibition of the tendency of the lease in question to public injury does not rest alone upon mere legal intendment, and I may here apply the rule, with the limitation incorporated in it, that the tendency to public injury must in fact appear.

"There are peculiar features in the transaction now considered that evince a public danger much more serious than appears in the mere transfer of corporate duties to performance by a foreign corporation. The real lessor and lessee here are extensive producers and carriers of anthracite coal. They constitute two of the six great anthracite coal-carriers from the coal regions of Pennsylvania to this and adjoining States. It is disclosed that the real lessee has secured a lease of the Lehigh Valley Railroad Company, and that thereby and by the lease in question, it controls three of the six great coal-carriers referred to, and also that the alliance thus formed now controls, through the instrumentality of coal companies, the capital stock of which these combined carriers own, more than one-half of all the anthracite coal fields in Pennsylvania. Moreover, as an indication of the tendency of the combination, the Attorney-General presents a report by the lessor defendant to its stockholders, in which it congratulates them upon an alliance which, with the co-operation

of other large coal-producing companies, will insure them 'greater uniformity in prices of coal,' and the 'avoidance of needless and expensive competition between producers.' He urges that, in substance, this report declares the reaching out to a monopoly which will work inestimable disaster to the people of the State. And as a further evidence that monopoly is in view, he points also to an admission by the President of the Philadelphia and Reading Railroad Company that the lease complained of will possibly facilitate the co-operation of other coal producers, and in itself, undoubtedly affect prices of coal in some localities.

"The proofs show that there are localities in this State which formerly had the advantage of competition between these allied roads, but now are subject to the monopoly which this lease affords.

"It is true co-operation of the remaining coal roads, which is necessary to a complete monopoly, has not yet been secured. By this lease only one competitor is silenced, and only a little more than one-half of the entire coal region is controlled. It is only the second step in the direction of the monopoly, the first being the lease of the Lehigh Valley Railroad. It is to be remembered, however, that the Attorney-General may have his injunction when the *ultra vires* act tends or is of a nature to produce public injury.

"But the answers deny that either the Philadelphia and Reading Company or the Central Company own any coal lands, or produce or deal in coal.

"The answers are literally true, but their denials in this respect, without explanation, and in the face of the facts adverted to, savor of an evasion which disentitles them to that force which is usually accorded to the denials of responsive answers upon such a preliminary hearing as this.

"Here, then, we have great coal dealers, complaining that they are not sufficiently paid for the produce of their mines, combining so that already they control more than one-half of the coal fields upon which this State depends for fuel, and looking to the co-operation of the remaining anthracite coal-producers to effect a change in the price of their output so that they may have more satisfactory return from their investment. To say that these conditions do not tend to a disastrous monopoly in coal, would be an insult to intelligence, It is possible that such a monopoly may be used, as the defendants suggest, to introduce economies and cheapen coal, but it does violence to our knowledge of human nature to expect such a result.

"The commodity in which these companies deal is a necessary of life in this State. It is the principal fuel of its homes and factories. The slightest increase in its price is felt by a population of hundreds of thousands of persons, for their necessity compels them to pay that increase. If once a complete monopoly be established by the destruction of competition, whether that be through lease or by co-operation, the promoters of it and sharers in it may have whatever price their cupidity suggests. The disaster which will follow cannot be measured; it will permeate the entire community—furnaces, forges factories and homes—leaving in its trail murmurs of discontent with a government which will tolerate it, and all the other evil effects of oppression.

"Enough has been said to exhibit that the *ultra vires* act complained of portends the greatest danger to the public welfare, and that the case is clearly one in which the Attorney-General may, and should, ask the assistance of the court.

"This is a preliminary application heard upon information, answers and *ex parte* proofs. Its object is to do more than to prevent a threatened, irreparable injury until the cause can be finally heard, and it should go no further in disturbance of the existing situation than the effectual prevention of the injury apprehended will admit.

"But the danger is serious. I do not perceive how I can effectually prevent it in any other way than by forbidding all operations under the lease and tripartite agreement, and performance of the covenants that those instruments contain. To merely continue the stay that has been granted and leave the Philadelphia and Reading Railroad Company in possession and operation of the property and franchises of the Central Company, would be to facilitate and invite infraction of the order already made. The devices for disguise which have appeared in this case, as attributable to the defendants, admonish me to sever, as far as possible, the connection between them until the final hearing. I will, therefore, continue the present injunction to final hearing, adding to it, however, the further direction that the defendants and each of them, their officers and agents, do desist and refrain from further performing and carrying into effect the lease and tripartite agreement, and that the Port Reading Railroad Company and the Philadelphia and Reading Railroad Company do desist and refrain from continuing to control the road, property and franchises of the Central Railroad Company of New Jersey, and from further in anywise intermeddling therewith, and that the Central Railroad Company of New Jersey do desist and refrain from permitting the Port Reading Railroad Company or the Philadelphia and Reading Railroad Company to use, control or operate its road, property and franchises, and that the Central Railroad Company do again resume control of all its property and franchises and the performance of all its corporate duties."

CHAPTER XXXIII.

How Governor Abbett Started Out to Lead a Hill Delegation to Chicago in 1892 and Ended as the Chosen Orator of the Clevelandites in the National Convention.

GOVERNOR ABBETT had an opportunity to test his strength with the lieutenants who threatened to overwhelm him, when, three months later, preparations were made for the holding of the State Convention at which the New Jersey delegates to the National Democratic Convention for the nomination of the President of the United States were to be chosen. Governor Abbett had been a prominent figure in all the Democratic National Conventions held for sixteen years, and he had always managed to have the State delegation out of accord with the sentiment of the convention to which they were accredited. In 1876, for instance, when almost every man who gathered at St. Louis to select the Presidential nominee was in favor of the nomination of Samuel J. Tilden, Governor Abbett as its Chairman perversely held the New Jersey delegation for Joel Parker, and cast its vote for the New York statesman only when it was too late to be effective. The lines upon which Grover Cleveland sought the nomination in 1884 did not comport with the Abbett idea of Democratic politics and the Governor again held the delegation against the overwhelming sentiment of the Democrats of the nation, and even after Mr. Cleveland's nomination had been accomplished, announced in his first burst of disappointment that it was one which the masses of the party could not approve. There was a wide variance between the fundamental ideas underlying the Democracy of these two statesmen. Mr. Cleveland's policy, foreshadowed by his administration in the Governorship of New

York, was rather to secure a proper civil service than to reward the workers of the party; Mr. Abbett's theory was that the victors were entitled to the spoils of office. The Governor repented of his hasty denunciation of the nomination later, and like the earnest Democrat that he was, went on the stump for Mr. Cleveland before the campaign was over. When the National Convention of 1888 was about to assemble, the predominant sentiment of the Democracy of the nation again favored Mr. Cleveland's nomination. The Governor stood in antagonism to him again and gave vent to expressions of indignation when the convention made the renomination. Mr. Cleveland had a warm place in the affections of the people, and in spite of the defeat which he suffered at the polls in 1888, he was the one man in the nation to whom its Democracy for the third time turned for triumph now, in 1892.

David B. Hill, who succeeded Grover Cleveland as Governor of New York, had become inflated with Presidential aspirations, and set himself up as Mr. Cleveland's rival in the National Convention. Governor Abbett and he were close personal friends, and, besides, their Democracy was of the same style. They were both exponents of the spoils theory in politics. It was an open secret while the Presidential canvass of 1892 was taking shape, that Governor Abbett proposed to ally himself with the Hill side of the controversy; and it was even said that he had put himself under engagement to deliver a Hill delegation from New Jersey to the National Convention in Chicago. They became close as two peas in a pod in the sympathy of their political aims. Mr. Hill was Governor Abbett's frequent companion on yachting excursions; Governor Abbett was once the guest of honor when Hill was entertained by the New York National Guardsmen at their Peekskill camp. And when, in the summer of 1891, Governor Abbett presided over his own glittering camp of militiamen at Sea Girt, he invited his fellow-Governor to become the guest of the State. Mr. Abbett must have seen from the scant courtesy paid him that Mr. Hill was far from being in favor among the New Jersey Democrats as a Presidential possibility. No Democrat of his prominence had ever been

so coldly welcomed by a Democratic multitude. When he was driven in state through the grounds, not even the presence of Governor Abbett by his side was sufficient to waken an echo of applause among the thousands who looked on. He was allowed to pass by as silently as if he had been at the head of a funeral procession. People seemed to forget that he represented a sister State, in their fear of giving countenance to his Presidential aspirations. The ardor of their preference for Mr. Cleveland made them impatient of attentions extended to the man who dared to pose as his rival.

In spite of this manifestation of popular dissent, Governor Abbett went right along with his plans for a convention at Trenton that would send a delegation favorable to his gubernatorial friend to the National Convention. He seemed to be bent upon overpowering the people in their primaries, and upon the production at Trenton by his State machine of a convention which he could control. Up to the very last moment the project seemed likely to succeed. But his lieutenants did not give him as cordial a support in carrying it out as he expected to have; and there was, besides, an uprising of the masses that made its consummation impossible. It was a most remarkable demonstration of popular power. Even the delegates who had been named through his instrumentality for service in the convention were captured by their enthusiastic Cleveland neighbors all over the State, and to keep themselves in favor were forced to agree to aid in the selection of Cleveland delegates. In his own county of Hudson the delegates held a preliminary caucus to set the pace for delegations from other sections of the State, and on motion of ex-Mayor Isaac W. Taussig, one of them, openly declared for President Cleveland's renomination. The current was so strong a one that his lieutenants could not have stemmed it if they had attempted it—and they didn't try. The handsome and portly James Smith, Jr., of Newark, who by this time had risen to be one of the most powerful factors in politics, was the first to yield to the tide. He had formed a pleasant personal acquaintance with ex-Secretary William C. Whitney, one of Mr. Cleveland's most intimate friends, and had been flattered by an

James Smith, Jr.

invitation to make the journey to the National Convention at Chicago in Mr. Whitney's private car. His prominence enabled him easily to spring to the front as a leader of the popular movement, and all of Governor Abbett's big lieutenants fell in line behind him.

The perceptible wavering in his ranks did not phase the Governor a particle. He still hoped through the repressive power of his autocracy to put this popular uprising under his heel. The convention was called to assemble at Trenton about the middle of May. The night before the day designated for its assembling, United States Senator McPherson dropped into Jersey City and was urged by his friend Mr. Young, the President of the First National Bank, to attend the convention. The Senator was known as a Cleveland advocate, and the proof that Mr. Abbett had lost control of the delegates was afforded in the splendid ovation that was given to the Senator the moment he reached his rooms in the Trenton House. While Governor Abbett was almost entirely neglected by the throng, notwithstanding that he kept the Executive Chamber open to visitors till late into the night, Mr. McPherson's room became the Mecca of all the politicians of high and low degree. As the night wore on it became certain that it would be impossible to pledge the convention the following day against Mr. Cleveland, and there was even a disposition to refuse to

Michael T. Barrett.

indulge Governor Abbett's ambition to be sent to the National Convention as one of the State's spokesmen.

There was the usual play for points, during the night, in the preliminary organization. The selection of the temporary Chairman of the convention rested with the State Committee. Governor Abbett's influence was potential there, and he succeeded in persuading the choice of Chauncy H. Beasley. But the advantage thus gained was of little benefit to him. Beasley aroused the suspicions of the delegates almost as soon as they assembled in Taylor Hall on the following day. Some one sent to Senator Michael T. Barrett, who was the Chief Secretary of the convention, for adoption, a motion that all resolutions declaring the sense of the convention as to candidate or platform be referred without reading to the Committee on Resolutions. The purpose of the motion was to smother the Cleveland enthusiasm of the delegates, which was apt to find expression in resolutions of one kind or another. Beasley had the temerity to declare the motion to refer carried without even so much as going through the formality of calling for the opposing voices, and the delegates fairly howled him off the platform in derision; and when the convention re-assembled for permanent organization Senator Edward F. McDonald, of Hudson, took the chair in his stead.

The real struggle of the day was in the secrecy of the Committee on Resolutions. The mere selection of the twelve men who were to go to the National Convention to represent the State was considered as of secondary importance. It did not make much difference who were sent if they were instructed as to their duty. It was in the Committee on Resolutions that the policy as to instructing them was fought out. Allan L. McDermott went to the committee-room with resolutions applauding Governor Abbett's administration, lauding his veto of the Coal Combine bill with especial emphasis, but ominously silent as to the greater issue concerning the Presidential succession. His smooth and tactical Newark friend, Mr. Smith, put this series of deliverances into his pocket, and persuaded the committee to substitute for them a resolution instructing the

delegates to Chicago "to cast the vote of the State for Grover Cleveland as long as his name is before the convention." When this resolution was offered to the convention for its sanction, the delegates could not restrain their enthusiasm till the Secretary had read it. Wave after wave of applause swept over the multitude, wild cheers shook the building, hats were tossed aloft, handkerchiefs were waved, and canes cut frantic circles in the air. The people had risen against the autocracy, and the Governor's machine shivered and shook as though an earthquake had passed beneath it.

To make his humiliation the more acute, the convention named Mr. Abbett as one of its messengers to carry this expression of its Cleveland enthusiasm to Chicago. The Governor chafed against the dispensation. He would not go to Chicago as a mere courier. If he could not go as a free agent, to do that which he deemed best, he would not go at all. But when the time came he joined Mr. Smith, Senator McPherson, Miles Ross, Samuel Klotz and the rest of the selected delegation in the trip to the West. Mr. Smith was taken into the councils of the Cleveland managers as soon as he reached the Windy City, selected for important commissions needing tact and urbanity, and treated with the most distinguished consideration. Like New Jersey, most of the other States had shipped their delegations to the convention consigned to Grover Cleveland, and it was an easy triumph for the ex-President. Anxious to rehabilitate himself with the people of his State, Governor Abbett sought to make a conspicuous display of his readiness to serve and obey them, and he sought the distinction of making the formal presentation of Mr. Cleveland's name to the National Convention. Through the sympathetic offices of Mr. Smith this privilege was extended to him, and when the time came his magnificent oration in Mr. Cleveland's behalf was drowned in billows of enthusiastic applause.

Allan L. McDermott.

CHAPTER XXXIV.

WHICH SHOWS HOW MR. WERTS, AFTER BEING PERSUADED BY GOVERNOR ABBETT TO STEP OFF THE GUBERNATORIAL PATH INTO A JUDICIAL NICHE, WAS PERSUADED BY GOVERNOR ABBETT TO STEP BACK AGAIN TO BECOME THE GOVERNOR OF THE STATE.

GOVERNOR ABBETT returned to his post from Chicago to strengthen his Senatorial lines at the points where his shrewd eye saw there was serious weakness. There was an interregnum ahead during which all of the purposes that had inspired his strong personal government might be defeated. He had built his machine over the people with the design of climbing from it into the United States Senate at the expiration of Mr. Blodgett's term in 1893 without asking their leave. The joint meeting of the Legislature at which Mr. Blodgett's successor was to be chosen was to be held on the third Tuesday of January. If he could have kept at the head of his State machine up to the time of the eventful meeting, it would have been an easy thing to make it produce the desired result. Its possibilities in the way of rewards and punishments would have enabled him to make the members in joint meeting bend to his will. It was there that the difficulty lay. He could not stay in command himself. His term as Governor would run out two weeks in advance of the joint meeting. For the fortnight immediately preceding joint meeting, another captain than himself must be at the helm. To insure the employment for his benefit of the great powers which he was to hand over to his successor, it was primarily necessary that the man to step into the Governorship after him should be of his own selection and in sympathy with his ambitions. Else the enormous patronage of the office might be employed to his undoing.

He began to guard against the dangerous possibilities of the fortnight early in the game. The gubernatorial possibility that cast the deepest shadow before was Senator George T. Werts, of Morris. There had been a sort of tacit understanding, ever since Mr. Werts had by vote and influence helped Senator McPherson to a re-election in 1889, that he was to have Mr. McPherson's aid in attaining the nomination for the Governorship in 1892. Senator Werts had meanwhile forced himself into recognition by making a record for himself that brought him into prominence. He had linked his name with the Ballot Reform law, and had been instrumental in framing a lasting revision of the Republican High License and Local Option act. Then he had attractive personal qualities that won him friends everywhere. Genial, courteous, approachable, entertaining, a man of infinite humor, full of quip and jest and anecdote, he had those shining social qualities that attract men.

Governor Abbett looked askance at the Morris man's growing boom. He was afraid that there was a trifle too much of independence of character in his make-up to permit him to be as clay in his hands during the eventful fortnight, and he sought an opportunity to retire him from the public view. The opportunity came early in 1892, when Justice Manning M. Knapp was stricken with death, upon his bench, while denouncing one of the calloused grand juries of Hudson county for their systematic protection of crime. The Governor lost no time in tendering the seat in the Supreme Court to this unwelcome gubernatorial possibility. Senator Werts hesitated about accepting, tempting offer though it was. He realized that the acceptance meant the relinquishment of his gubernatorial aspirations, and he was reluctant to make the sacrifice. The voice that was potent in determining him to assume the proffered distinction was that of Mrs. Werts. It was a dignified position, and, besides being a life place, took him out of the purely political life that was distasteful to her; and in answer to her solicitations he finally yielded. In February he resigned his seat in the Senate, settled in a handsome mansion on Jersey City Heights that had once been the home of ex-Mayor Charles Seidler, and took the martyred Knapp's place in the Hudson County Circuit.

This seeming abandonment of his lien on the nomination apparently paved the way for the nomination to the Governorship of Judge Job H. Lippincott, of Hudson county, whose splendid services in the pursuit of the ballot-box conspirators had won him the admiration of the masses. The gangs that ruled the State frowned on him, of course, and loudly boasted that they would not permit him to succeed in the convention. The discussions concerning his candidacy were kept up with much vigor, till Senator McPherson gave new force to the drift by an interview made public on the eve of a little run to Europe which he had in contemplation. He declared against the autocracy and its attendants of ring rule and corruption, and, demanding an honest administration of public affairs with a due regard to popular rights, suggested that the welfare of the Commonwealth would be safe in the event of the nomination of either Judge Lippincott or of Edward F. C. Young as Governor Abbett's successor.

Both by the lines of the policy it indicated as that which the new administration should pursue, and by the men whom it named to carry it out, Senator McPherson's pronunciamento was a direct thrust at Mr. Abbett's supremacy. Mr. Abbett's friends had long flattered themselves that Mr. McPherson was not ready to be overshadowed in the Senate by a man of Abbett's eloquence and resource. This move of his was quoted by them as a proof. Neither of the gentlemen whom he had named was acceptable to the Governor's closest advisers—Lippincott, for the reason that he had already placed himself in public antagonism to the prevailing misrule, and Young because he had never been amenable to Mr. Abbett's influence.

At that time Mr. Young was the President of the First National Bank in Jersey City, and of the Dixon Crucible Company, which he had rescued from bankruptcy. He had lived for nearly fifty years in Jersey City, and was looked upon as the typical business man of the State. He traced his ancestry to Rev. John Yonge, of England, who about the middle of the seventeenth century migrated to Southold, L. I., where his grave has ever been kept green by the succeeding

Edward F. C. Young

generations; but New Jersey had been the home of his ancestors far into the past. His father and grandfather had been born in the same room in the old homestead in Morris county in which he himself first saw the light of day. A rural career was altogether too dull and unattractive for a man of his active temperament, and so it was that he had moved city-ward. He began his business career with the Hudson County Bank, in November, 1852, where, six months before, the late Augustus A. Hardenbergh, who himself achieved distinction in public life, had taken a desk. An offer of the Tellership tempted him twelve years later to the First National Bank, which was just then on the eve of absorbing the old Mechanics and Traders Bank. He became Assistant Cashier in 1865, its Cashier in 1874, and on the death of the late Alexander Hamilton Wallis, in 1879, was made its President. He knew men at a glance and by his shrewd business management had, when he was summoned to the front in this gubernatorial campaign, built the bank into the most important financial institution in the State. His business lines reached out in every direction, and through them he had gradually grown, almost without observing it himself, to be an influential political factor. The lines of politics in Hudson county led as unfailingly, as the lines of business, to his ornate little office in the bank building.

He found diversion from his absorbing business activities in his political side-plays; and, a man of method and system, he made it possible to give himself occasionally to the public service. He acted away back in the fifties, when Cornelius Van Vorst was Mayor of the city, as Collector of Assessments; and, even while attending to his bank duties, he managed to serve as City Treasurer from 1865 to 1870; and subsequently, when City Comptroller Nelson was disabled by sickness, he officiated in his stead, by appointment of the Board of Finance, and paid all the salary of the place over to Mr. Nelson's amiable wife and daughters. The old Fifth district, the Republican stronghold in the county, complimented him by electing him, though a Democrat, first to the City Council and then to the Board of Freeholders; and he was the first Director-at-Large in the his-

tory of county affairs. He was New Jersey Director of Railroads for five years; in 1880 was one of the Electors who cast the vote of New Jersey for Winfield S. Hancock for President of the United States, and in 1888 represented New Jersey in the National Convention that gave Grover Cleveland his second nomination for the Presidency. His business and political and corporation attachments enabled him to put his hand upon the key-board of State politics whenever he desired, and to bring a response as often as he touched it.

Mr. Young had not, however, consented to the use of his name till he had consulted with Senator Werts, and it is not impossible that he may himself have contributed to the defeat he suffered in the convention. He gave assurances to Judge Werts that if the Judge proposed to enter the lists he would not enter, and that he would place himself in the hands of his friends only providing the Judge intended to keep out. Judge Werts was still wedded to the Bench, and Mr. Young allowed himself to be considered as a candidate. Ex-Congressman Miles Ross, acting for himself and Mr. McPherson, had also sought the Judge at his house and made their first offers of aid to him if he desired the nomination. The Judge had given the same assurance to them that he now gave to Mr. Young, and it was only after he had declined the proffered services that Senator McPherson suggested the names of Mr. Young and Judge Lippincott.

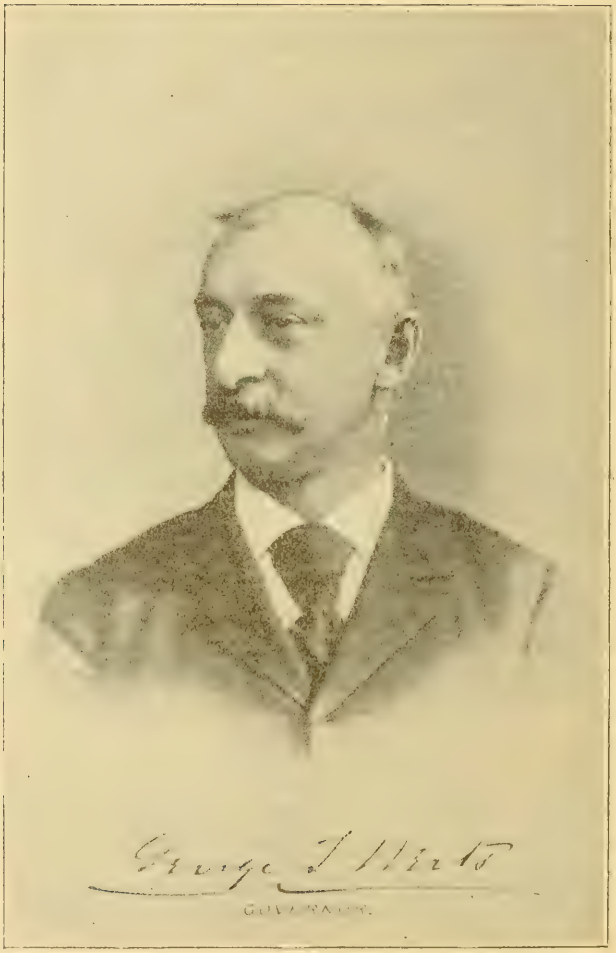
Senator McPherson made a shrewd stroke in politics when he named this important business worker as an alternative with Judge Lippincott for the gubernatorial nomination. The alliance of the two names was calculated to bring to Mr. Young's back all of the independent sentiment Judge Lippincott's record had brought into play; or to Judge Lippincott's back the compact business support that Mr. Young could command.

Judge Lippincott was willing to let his candidacy drift. But Mr. Young went to work on his fences with an ardor born of a determination to win. Mr. McPherson had gone to Europe with the promise to return in time to put the finishing touches to his fight before the convention. Governor Abbett looked with

dismay upon the growing strength of the Jersey City Bank President. He had satisfied himself that Mr. Young would be everything but a complaisant Governor; and he called his lieutenants into council, to consult as to the surest means of flanking the advance of this arch enemy of his. They were not all true friends who gathered with the Governor at their conferences. Some of them with keen remembrance of his race-track and coal combine vetoes, were even then plotting for his overthrow. Governor Abbett must have suspected their fidelity, but he had made his bed with them, and he was now obliged to sleep with them or with nobody. But they too had their own reasons for opposing Mr. Young, and a common cause against a common enemy bound them to an alliance with Abbett.

Presently there came a voice from South Jersey that Judge Werts must be put in nomination, *nolen volens*. Colonel Price, City Comptroller Connelly, and other local followers of James Smith, Jr., of Newark, caught up the cry, and it was not long before Judge Werts was recognized as the man whose name was to be used by the anti-Young men to conjure with. The Judge was hunted out and asked point blank what his designs were. It was plain from the tenor of his answers that he did not desire to be a candidate. Still the battle for him went on and he was subjected to endless pressure to reconsider his determination. He was warned that he would be held responsible for the party defeat that might follow his refusal to accept the nomination when it had been tendered to him. His own disposition was to defeat this scheme by a plump public announcement of his utter unwillingness to serve; but the Young managers thought South Jersey could be better held in hand by the Judge's attitude of uncertainty, and it was continued.

Allan McDermott and James Smith, Jr., were not slow to quote his failure to make a public declination as an evidence that he could be prevailed upon to accept a nomination properly tendered to him, and they found their campaign in Werts's behalf strengthened by the plea that for once the office was seeking the man. The battle was waged on both sides with such skill that a day or two before that named for the holding of the


George T. Hunt
GOVERNOR.

convention the two factions seemed to divide the Democratic strength of the State equally. The turn of a hair was enough to determine the rivalry. Senator McPherson was expected to turn the hair to Mr. Young's side, and his followers hailed with hopeful enthusiasm the announcement, a week before the convention, that the vessel which was bringing him back to these shores to take command of the convention had just been "spoken" off Sandy Hook.

Two communities of newspaper readers saw the announcement in their journals of the following morning that the fear that there might be Asiatic cholera infection on the steamer had led the health authorities of New York to forbid the transfer of either passengers or baggage from her. One of these communities was the fun-loving public who had awaited the arrival of Miss Ta-ra-ra-ra-Boom-de-Ya Collins with keen anticipation. The other was the throng of Jerseymen who learned with undisguised anxiety that Senator McPherson was among those who had been doomed with her to an indefinite imprisonment at Quarantine. Mr. McPherson's allies hoped that the next day would bring news of his release by special dispensation. But when the next day, and the next, and the next went by, and he was still a prisoner, they began to lose hope. Richard M. Jordan, brother of Comptroller Thomas D. Jordan, of the Equitable Insurance Company, in New York, and of ex-United States Treasurer Conrad N. Jordan, and a particularly close friend of the Senator, is said to have steamed down the Bay in a tug and invited the Senator to steal away to shore under cover of the night; but the Senator declined to presume upon his prominence to run a blockade for which a less conspicuous passenger would be hunted. And when it became apparent, a day or two before the convention, that the Senator would not be able to release himself in time to render to Mr. Young the service he hoped to render him, Governor Abbett ran down to the ship's side in his steam yacht and "chaffed" him over the ship's guards on his discomfiture.

The convention that Senator McPherson was thus prevented from assisting to mould as he hoped was held early in Septem-

ber (1892). It proved to be one of the most exciting and tumultuous that had ever been witnessed in Trenton. The two clans had arrayed themselves—for Young, who was known to be willing to accept, and for Werts, who was still protesting that he did not want to run. A martial odor pervaded the great hall. One could almost hear the war-horses of the contending armies snorting for the fray. The State Committee designated the mild-mannered ex-Speaker Bergen, of Somerset, to preside. A skirmish-line engagement was the outgrowth of the scotched anti-Cleveland movement of the Abbett camp. Hinchliffe, who had been favorable to Cleveland, and Prosecutor William B. Gourley, who had been of the Abbett-Hill forces, led opposing delegations from Passaic to the convention. A bitter strife for admission to its privileges ensued. The convention knew its friends, and the Gourley contingent secured recognition. That was first blood for the Abbett side. It was an earnest that the Werts agitators were somewhat in the ascendancy.

Speaker Bergen had meanwhile given place to Edward F. McDonald, who was made the permanent Chairman of the convention. He was of commanding presence, of stentorian voice, and at conventions in Hudson he had been accustomed to face turbulent throngs such as that now before him. But it needed all his power of lung to make himself heard above the ceaseless tumult of this gathering, and all of his splendid tact as a presiding officer to keep the roaring and shouting and snarling crowd in check. When he found himself unequal to the task he invoked the aid of the band in the gallery, and drowned out the noise to the tune of Yankee Doodle. Hudson, which was solid for Young, and Essex, equally solid for Werts, lowered at each other from their benches, and each met the others' cheers with hisses as if a nest of serpents had been aroused to wrath. Atlantic and Bergen waived the formal presentation of their choice. When they explained that they deferred to Prosecutor Winfield, the Hudson delegates, led by a young son of ex-Governor Bedle and aided by the smooth-tongued Senator Edwards, broke into a pandemonium of derisive yells. The Werts workers had asked Mr. Winfield to make the nominating speech for

the Judge. When the campaign was young Mr. Winfield had been indifferent as to his preference. But he had finally decided to espouse the nomination of Judge Werts. When he sought election as one of the Hudson delegates to the convention, the whole power of the machine had been turned upon him, and he was defeated. He was present in convention now only as a proxy for some elected man who had given him his credentials.

When at the proper moment he rose from his seat among the Hudson delegates to make the speech for Werts he had gone there to make, the throng that surrounded him fought like tigers to keep him off the floor. Delegations from other parts of the State shouted to him to take the platform, and he had to fight every inch of his way out of the Hudson benches. As he was lifted to the platform from the orchestra pit, on the shoulders of sympathetic delegates, he shook his lion-like mane in angry defiance of the crowd from which he had just escaped, and roared with keen sarcasm that the scene through which he had just passed reminded him of the fight of St. Paul with the beasts at Ephesus.

"I do not pretend to be St. Paul," he exclaimed by way of emphasizing the intimation that the crowd that had tried to battle him into silence were beasts, and then he launched out into a brilliant eulogy of Judge Werts that kept the air vocal with applause and hisses. When he had finished, Edwards made a hot personal attack upon him, and denounced him as having favored Young till he had learned that Young would not purchase his support by a promise of re-appointment to the Prosecutorship. When, Hudson being reached, Senator Daly, of that county, sprang to the platform to put Mr. Young's name before the convention, it was the other side's turn to indulge in a Babel of yells and groans. In one of the lulls, the courtly Paul Revere, of Morristown, managed to get in ex-Congressman A. W. Cutler's name, and in another W. Holt Apgar, a young Trenton lawyer, found it possible to edge in the name of Gen. Richard A. Donnelly. President Adrain injected an element of opera bouffe into the tumult, by making a railing and sarcastic ad-

dress, in which he handled the Essex men, particularly, in a manner peculiarly his own.

The roll-call finally taken showed an almost equal division of the votes between the two sides; but the advocates of Judge Werts were a trifle in the lead, and amid a closing uproar Mr. McDonald declared him to be the nominee of the party. This though there had been as yet no intimation that the Judge would accept; and for several days after the convention had dissolved Senator Werts's complacence was still in question. When the committee of notification visited him, upon his invitation, at his home on Jersey City Heights, it was even yet a question as to what course he intended to pursue. Mrs. Werts had prepared a beautiful little mid-day lunch for the expected visitors, and upon being notified of the action of the convention Senator Werts read a letter, in which he declared his readiness to stand, but at the same time exhibited his want of sympathy with the system of government that had of late years prevailed in the State. The letter itself was an exquisite piece of literary work, and showed the new candidate to be unusually skilled as a writer. Its tone was marked by an independence and animated by a spirit of reform that went far to commend him to the people who hoped for better things under the new administration than they had been forced to suffer under the expiring one.

Like Mr. Young, Senator Werts came from an ancient family that had lived for generations in Morris county. The late Attorney-General Vanatta, in whose office he had studied law at Morristown, was his mother's brother, and he had shown his personal strength in repeated canvasses for the Mayoralty of Morristown, carrying it as a Democratic candidate by handsome majorities in spite of its deep-dyed Republicanism; and though Morris county itself was wedded to Republicanism, he had twice sat as her representative in the State Senate.

The Republicans had no such time in selecting their candidate. One-armed General Henry M. Nevius, of Monmouth, presided at their convention. There was a rivalry between Frank A. Magowan, of Mercer, whose election to the Mayoralty of the

Democratic city of Trenton had made him a restive candidate for gubernatorial honors; Gen. Grubb, who set up the plea that his selection was a logical sequence of the ballot-box frauds of 1889; Franklin Murphy, a rich varnish-maker of Newark, who had once served in the Legislature, and ex-Congressman John Kean, Jr., who had been persuaded to step out of General Grubb's way in 1889, on the understanding that the nomination of this year should fall to him. Mr. Kean was a man of enormous wealth, a pleasant and agreeable companion, and a sleek politician who had won his spurs in several notable congressional campaigns.

He came of a family that was connected with some of the most notable in society and public affairs. Hamilton Fish, Secretary of State under President Grant, was of his kindred, and the Livingstones, of Revolutionary memory, were among his ancestors. The substantial homestead in Elizabeth, in which he consulted with his political lieutenants, was an heirloom from his noted Revolutionary predecessors. His father was born in it. He had first seen the light of day in it himself, and neither had ever made his home anywhere else. Besides being of this line of old grandees and to the manor born, he had proven his political skill in contests for Representative in Congress from the district in which this ancient estate of his family lay. The district was Democratic. But that had not stood in the way of his winning the seat against even that veteran among Democratic campaigners, Miles Ross, as the result of his first engagement. He was then but twenty-eight years of age, and among the youngest men who had ever sat in Congress. Robert S. Green ran against him when he sought re election in 1884. It was a Democratic tidal-wave year, the one in which Grover Cleveland was chosen to live in the White House, and Kean went the way of all things Republican. Two years later he girded his loins for the fray again, and easily vanquished McMahon, whom the Democrats set up against him. The second subsequent year, when he asked his people for a renewal of his term was Presidential year again, and he went down beneath the Democratic wave that swept over the State.

John Kean, Jr.

There was enough in this record to convince the Republicans that he was a shrewd and successful campaigner, with positive elements of strength; and the delegates to the State Convention threw Grubb aside, discarded Magowan, slighted Murphy, and placed its battle-flag in Mr. Kean's hands to be planted on the ramparts of victory.

The battle that followed the completion of the tickets was a notable political engagement. Mr. Kean, in his tireless quest of votes, found the people in a state of revolt against the abuses of their trusts of which the Democratic State and local managers had been guilty. Governor Abbett's seizure of all the State prerogatives, his appointment of discredited men to the public places, the control of the cities by gangs, the crimes of the ballot-box stuffers, the open defiance of law by the race-track managers at Guttenberg and Gloucester City, the sale of legislation, under cover of a party service, to the coal combine; the character, or the want of it, of the men who made up the subservient Legislatures; the concessions of the Democratic leaders to the liquor element; the official recognition of such men as "Bob" Davis, in Hudson, and Thompson, in Camden, and the scheme of popular disfranchisement embraced in the gerrymander of 1891; the multiplication of sinecures, the inexcusable increases of salaries, rumors of scandals and corruption on every hand, had determined the people to drive the whole wicked crew that masqueraded in the garb of Democracy from power. The first blow in that direction had indeed already been struck in Jersey City. That nest of official vice had in the charter election in the spring been handed over to the control of Mayor Wanser and the Republicans, though the Democrats had tried to shield themselves from the attack behind the name of Allan L. McDermott. The canvass had been marked by a great revival of interest in local affairs. Mr. McDermott in his addresses boldly denounced the Cleveland ring that had plundered the city right and left, in the hope of escaping the odium that those conscienceless manipulators had brought upon the party, but he was made the vicarious sacrifice for the sins of that discredited regime. Every meeting he held

was a crush. The crowds listened to him—and went off to vote against him. The capture of that Democratic stronghold was an augur of a sweeping Republican victory throughout the State in the fall, and Mr. Kean went to the head of the Republican columns with an assurance of triumph few Republican leaders had dared to nurse.

And the assurance would have been handsomely redeemed by the gubernatorial vote but for the conspicuously shrewd work of the Democratic State Committee, under the leadership of Chairman McDermott, in tying the State campaign up with the national campaign in such a way that they seemed to be inseparable.

With the other Democratic chieftains Mr. McDermott saw that the Democracy was divided against itself, but that the spirit of the May convention was abroad in the State; that the masses were even more eager to assist Mr. Cleveland to the Presidency of the nation than they were to punish their home oppressors; and he skillfully parried the Republican State Committee's State issue campaign with an equally aggressive campaign on national issues. He had never been over-enamored of Mr. Cleveland, but he saw how warmly the people were wedded to this national idol of theirs. It was a foregone conclusion that no amount of disaffection on State questions could take the State from the national Democratic candidate, and if Judge Werts's canvass could be linked with his, the battle for the State offices might be won with that for the Electoral College. It was one of the shrewdest of McDermott's many shrewd strokes of politics to plan to have Mr. Cleveland visit New Jersey to stand as sponsor to the people for Mr. Werts.

It was not an easy thing to achieve. Democratic presidential candidates, counting New Jersey as one of the never-failing Democratic States, are not in the habit of spending any of their time upon her. Senator McPherson was disposed to believe that a visit by Mr. Cleveland would be interpreted as a sign that he feared that even New Jersey was in danger, and, because the effect upon the vote in other States would be disastrous, he was of the view that the National Committee should ad-

vise him not to yield to Mr. McDermott's solicitations. The portly State Committee Chairman persisted, however, and found a fresh argument in the visit Mr. Whitelaw Reid, the Republican Vice Presidential candidate, had paid to Jersey City in the midst of the campaign. McDermott's constant importunities prevailed at last, and Mr. Cleveland arranged to go to Jersey City towards the close of the campaign. He was announced as the guest of Governor Werts, and Senator McPherson rode in the coach with him to chaperone him. Monster receptions were held in the brownstone club house of the aristocratic Hudson Democratic Society and under the four-acre shed of the Oakland Rink. No man ever received such an ovation as was paid to the distinguished visitor. Torchlight processions turned the night into day. The houses were illuminated from cellar to garret. There were music and flags all around. Admiring and cheering throngs made the streets impassable. The incoming trains were crowded with the flower of the citizenship of the State, and before he was led to his carriage to return to New York he made a little speech, of course, and in the little speech he managed to drop a cheerful word for the pleasant-faced gentleman at his elbow, the Democratic candidate for Governor.

The State campaign caught the luster of that demonstration. People could find no excuse for Mr. Cleveland's advent among them unless it had been for the purpose of aiding Judge Werts, and it began to be reasoned that the man for whom one of Mr. Cleveland's distinction would do so much must be worthy of their suffrages. The brightened aspect of the Democratic campaign was the direct result of that visit, and Mr. Cleveland had scarcely gotten back to his hotel in New York before the clouds that hung over the State canvass were seen to be drifting away.

At the end of the campaign Mr. McDermott made his masterstroke in Judge Werts's behalf by a signal use of the sentiment of admiration for Mr. Cleveland that had so unmistakably manifested itself. The opportunity came to him accidentally. The practical campaign work of the Republicans was done in the capacious parlors of the Federal Club House, a few hundred feet distant from Mr. McDermott's residence, on Jersey City

Heights. A picturesque rumor says that one night while he was sitting in his study he noticed a great throng of unusually active men in the club-house, and that by the use of his field-glass he discovered that they were pasting thousands and thousands of ballots and preparing them for distribution. Further inquiry showed him that the Republican managers had prepared these ballots for special distribution among the Cleveland voters in the State. They knew that there was no hope of inducing the voters to vote for the Republican candidate for President; but they were also convinced that the mass of the suffragists were prepared to strike down the rest of the Democratic ticket. And they had been busy, on the evening Mr. McDermott looked in upon them with his field-glass, covering the names of the Republican electors on their ballots with pasters bearing the names of the Cleveland electors, but still leaving the names of their candidates for State offices intact; and two days before election they had these ballots in the hands of every voter in the State.

The morning before election Mr. McDermott published an address to the Democratic voters of the State, cautioning them against the use of these ballots. He backed up his claim that they might be defective and a violation of the Ballot Reform law, which seemed not to contemplate the use of blanket pasters but only the pasting of each objectionable name singly, with an opinion of ex-Governor Bedle, and cautioned the Cleveland voters of the State that if they used the ballots the Republicans had prepared for them they ran the chance of throwing away their votes and imperiling Cleveland's majority in the State. The effect of this warning was simply electrical. The Cleveland devotees were not disposed to take any chance of error in their battle for Cleveland, and practically none of these half-and-half ballots were used by them. To be safe rather than sorry they swallowed their indignation against their State rulers and in their eagerness to serve their National candidate used only the straight Democratic ticket.

The vote was taken amid considerable excitement. The count of the ballot showed that President Cleveland's visit to

the State, supplemented by Chairman McDermott's skillful stroke at the close of the campaign, had saved the State to the Democrats, and that Judge Werts had the lead over the smiling ex-Congressman from the Third district. Mr. Cleveland swept the State by a majority of about 14,000; Judge Werts carried it by a majority of about 7,000. It was noticeable that in the communities that had felt the oppression of the Abbett rule most severely, Mr. Werts's lead was reduced—as, for instance, Essex, which Cleveland carried for the Democratic National ticket and Kean carried for the Republican State ticket.

CHAPTER XXXV.

WHICH EXPLAINS WHY THE COURTLY JAMES SMITH, JR., OF ESSEX, VOWING HE'D NE'ER CONSENT, CONSENTED TO BE UNITED STATES SENATOR IN GOVERNOR ABBETT'S STEAD..

THE lines for the coming battle for the Senatorship were now all laid down. Judge Werts's election to the Governorship pointed out the man who was to dominate the autocracy during that eventful fortnight for which Abbett would have to surrender it before he could achieve the object for which he had created it. The pregnant inquiry on all hands was whether the new Governor would wield the great prerogatives that were to come to his hands for the promotion of Mr. Abbett's interests. The new Governor's friends and enemies never lost an opportunity to sound him as to his preference, but he met all their inquiries mutely until, in the small hours of a banqueting night at Taylor's Hotel, in Jersey City, a few weeks after his election, he hailed Governor Abbett, who sat at his elbow, as the next United States Senator from New Jersey. It was immediately guessed that the autocracy was to be conducted on the Abbett lines right up to the hour for the assembling of the joint meeting that was to elect the new Senator, and Mr. Abbett's friends were confident that he could not be beaten in this fight.

Why shouldn't he win? Who was there against him? If he were not to be the choice of the caucus, where was there a man in sight who would be taken in his stead? Off in the distance was the sleek and portly figure of James Smith, Jr. Some people had been insisting that perhaps he might be the successful competitor. Abbett and his cabinet scouted the suggestion. They insisted that Mr. Smith had sworn eternal friendship for Leon Abbett with his hand uplifted. Mr. Abbett him-

self said that he could not believe that this rising figure in the politics of the State and nation would willingly stand in his way. While the controversy was going on the chubby-faced Essex potentate took a little trip South for his health. James F. Connelly and some other followers and adherents of his seized upon the opportunity to take the canvass out of his hands and to make him a rival of the Governor's whether he wanted to be or not. Miles Ross, smarting under the veto of the Coal Combine bill, sent word that if he would enter the lists Middlesex and Monmouth and Somerset would join his Essex followers. Thompson, of Camden, remembering Mr. Abbett's veto of the race-track measures, volunteered to turn the South Jersey Democrats into the column. Cleveland men everywhere, with a lively gratitude for the assistance Mr. Smith had lent them in taking the control of the May convention out of Mr. Abbett's hands, and pleased by the favor with which he had been received by the Cleveland managers at Chicago, threw up their hats and declared that no other man than Smith would meet the demands of the hour. The object of all this adulation was hunted through Southern forests and marshes to learn if he would not be persuaded to accept the universal homage of the people and become a candidate. He said "No" less firmly than he had been wont to say it. It was a flattering demonstration of popular desire that he could not toss aside. He was a man of the people whose tactical concessions to popular movements had given him the strength which he held in the party's councils. How could he say "No" to this new manifestation of popular desire? How, indeed? He couldn't. But he didn't say "Yes."

Then there was a long pause of doubt and uncertainty pending his return to his home in Newark. His friends were hopeful that he might be persuaded. Abbett's cabinet began to fear that he might yield. Quite as much as over the uncertainty of his attitude were they aroused over complications encountered at the vital point in their campaign. No senatorial candidate could hope to win the favor of the joint caucus unless he were warmly supported by the delegation from his own county. Mr.

Abbett's friends tried to whip the Assemblyman from Hudson into a local caucus for the purpose of having them declare their readiness to support him in the joint meeting. They were discouraged when they found it impossible. Mr. Edward F. C. Young was busy among the members working his revenge for Abbett's movements against him in the Gubernatorial Convention. Mr. Young had but to hold his hand up to make the Hudson delegation go where he willed. He kept them at bay and apart and divided, until Mr. Smith returned to his mansion on Washington Place, Newark. The day after he had arrived Mr. Young tapped the doorbell and was shown at once to Mr. Smith's reception-room, and there these two antagonists of yesterday laid the plans for the final blow to Governor Abbett's cherished ambition. Mr. Young assured Mr. Smith that he would never permit the Hudson delegation to support Abbett, and Mr. Smith was politician enough to see that without such support Abbett's fight was hopeless. As long as there was a chance for the Governor securing the coveted prize, he had pledged himself not to stand in his way; but if the Governor were driven out of the field by forces which Mr. Smith had not created nor could control, why should not Mr. Smith permit the scattered forces to rally around him? The hesitating "no" became "yes," now, and when Mr. Young left the house he had Mr. Smith's assurance that Mr. Young and all who were disposed to might consider him as a senatorial possibility.

Before the time the Legislature was ready to assemble it was evident that the formal action of a party caucus was not necessary to make the name of the new Senator known. Governor Abbett's lieutenants had leagued to defeat him with the pleasant-faced Newark statesman. When the caucus was called, Allan McDermott, the truest of Abbett's friends, saw certain defeat ahead, and he sought the Governor for consultation. The disappointed man was white and haggard with despair. But his jaw was firmly set, and he would listen to no talk of withdrawal.

"I'll not withdraw," he said doggedly between his set teeth to McDermott, "but you can do as you please."

"Then," the loyal young lieutenant responded, "I'll take the responsibility of withdrawing your name myself."

The old guard—a little handful of the faithful—was hastened to the Governor's room, and there McDermott made confession to them of the hopelessness of their struggle, and absolved them from their allegiance. Mr. Smith was called from a near room, and a formal speech of surrender was made by McDermott. The coming man smiled beneficently, expressed his gratification at the new accessions to his ranks, thanked the little throng for their support and preference and bowed them out.

Thus the work of the caucus was made easy, and less than half an hour after the doors of the big new Assembly Chamber —the Chamber which Mr. Abbett had planned and built for the State—had closed on the conferees, a little whisper crept through the corridors of the State House that Mr. Smith had been named to be Senator Blodgett's successor. Two days later, the two Houses voted separately. Senator Barrett, of Essex, presented Mr. Smith's name to the Senate; Lane, of Union, presented it to the Assembly. Each branch gave him a majority over General Sewell, who had been accorded the empty honor of the Republican caucus nomination; and two days later the Houses assembled in joint meeting to read their respective journal and to hear President Robert Adrain formally declare Mr. Smith New Jersey's new representative in the United States Senate for the six years commencing March 4th, 1893.

The career of the phenomenally-successful man who slid so smoothly into this commanding position has been traced in a measure already. He had come from a public-spirited family in Newark. His father, still alive to see his son advanced to his great distinction, had been himself a prosperous business man, and in his earlier years a member of Assembly. The new Senator had accumulated a fortune in the manufacture of leather at Newark. Brown-eyed and rosy-cheeked, with a round, smiling, boy-like face, and yet of commanding presence, tall and portly, smooth of tongue, non-combative and yielding, of captivating address and consummate tact in dealing with men, he easily made himself popular when he set out to indulge his bent

for public affairs. While a member of the Newark Council, he was marked as one head and shoulders among his fellow-members, and they saw instinctively that he was on the sure way to higher honors. He was one of the pillars of the Catholic Church, on terms of personal intimacy with the chiefs in the Diocese, and a liberal giver to every charity. When he turned his eyes towards politics, he went deeply into his purse for campaign expenses and grew apace in prominence and influence. He had become so conspicuous a figure in local politics that when only the presentation of its most acceptable men could save his party from threatened defeat, he was importuned to accept the Mayoralty of Newark; but he was too busy a man to assume the duties of the position, and he was forced to decline.

His recognized influence in Essex county politics had pointed him out to Governor Abbett, when he was building up his autocracy, as an efficient aid, and he made him one of the pillars of the temple. His smooth and insinuating address easily enabled him to take front rank among the chiefs of State to whose councils he was thus called, and he was soon recognized everywhere as one of the greater figures in the larger field of activity to which he had been summoned. When he reached the Senate, he at once commanded the attention of the nation, by his attitude on the pending Tariff bill, and within a year had made his name as well known throughout the land as that of any of the veterans of politics who sat with him.

Governor Abbett's career was practically ended with this second defeat of his lifelong ambition. Judge Werts's accession to the Governorship had made a vacancy on the Supreme Court Bench; in filling it he gracefully yielded to popular desire by naming Judge Job H. Lippincoit. It was the reward of the Judge's splendid services for the State in connection with the ballot-box prosecutions. A few weeks later Supreme Court Judge Edward W. Scudder died at his home in Trenton. Mr. Abbett was quite willing that the Governor should name him for this unexpected vacancy. Mr. Abbett's implacable foes were disposed to deprive him of the small recognition, but the nomination was eventually made and confirmed. The ex-Governor developed

admirable traits as a Judge. Tireless as ever in the discharge of his public duties, and keen, able and informed, he made a new name for himself on the Bench. His new honors were not, however, of long duration. An incurable disease had been sapping his health for years, and one day towards the close of 1894 the State was startled by the announcement of his serious illness at his home on Jersey avenue, in Jersey City. The anxious friends who rushed to make an offer of their services a day or two later were met at the door with the sad information that he had passed away.

Two months earlier, the body of his old-time rival, Governor Bedle, had been borne to its grave from the handsome home on the opposite corner. The two Governors had been neighbors during all their active careers, and friends, though their lives had led them into warring factional camps. For years they lived in adjoining houses in old Sussex Place. The decay of the neighborhood prompted Bedle to move; but Abbett, who was posing as the friend of the workingmen at the time, had kept open house there till his second accession to the Governorship. Mr. Bedle had purchased the old Jewell homestead, on one of the Jersey avenue corners of Montgomery street. When Mr. Abbett moved it was to the brown-stone front on the opposite corner. And there they lived, *vis a vis*, till a chronic disorder forced Bedle to the operating table two months before Governor Abbett's death, and he succumbed to the shock of the knife.

CHAPTER XXXVI.

Which Tells the Story of the Raid of the Jockeys Upon the State Government, and of What They Did With it When They Had Captured it.

THOSE who realized the strength of the Democratic current set in motion in 1892 by the popular devotion to the candidacy of President Cleveland were not surprised at the character of the men who drifted into the State offices on the tide. Everything that was uncanny in Democratic politics had been tossed to the bosom of the flood, and the legislative salvage of the sweeping tide was as unsavory as it could be. The gangs that controlled cities, the upstart bosses who ruled counties, the public plotters, schemers and corruptionists, had seen their opportunity, and launched their confederates and henchmen and fellow-conspirators on the stream with the assurance that the drift would safely bear them to port. Goldsmith's village pedant could not more accurately "times and tides presage" than did these shrewd calculators the time and tide the favoring campaign of 1892 turned to their advantage. Almost every Democrat who floated to a seat in either House of the Legislature in 1893 represented a ring, or one of the disreputable bosses, or a job, or had been tempted to his candidacy by the hope of illegitimate gain. Thompson, the owner of the ill-flavored race-track at Gloucester City, came up from Camden to sit in one of the Assembly chairs; Dr. Henry, who came with him as a colleague, was his ally. Harrigan, Clarke, Byrne, Olvaney, Kearns, among the Essex spokesmen, were the legislative outposts for the Haynes Municipal Ring in Essex; Kelly, Ditmar, "Teddy" Carroll, Lawless, Dr. Stout, Coyle, Tahen and Zeller, of Hudson, owed their seats to the favor of the ballot-box stuffing machine in Hudson. Carroll was a gambler's

book-maker on the Gloucester track, and drew a salary beside as an official in the Ring city government in Jersey City. Lanning, of Mercer, was a contractor favored by the State Ring. Beekman, Daly and Warne, of Middlesex, and Strahan and Honce, of Monmouth, had been tarred by the coal combine vote. Smith, of Passaic, was another of the coal combine supporters; his Passaic colleague, Flynn, was the "starter" at $100 per day on Thompson's race-course. Kelly, of Union, was the distinct product of the gang that held the city of Elizabeth by the throat.

Thomas Flynn.

Thus everything that was venal or corrupt or offensive in the management of public affairs was largely reflected in the Legislature; and the lawless groundlings who had succeeded in securing the ascendancy in State and county and city, found license for fresh excesses. It was typical of the whole sitting that Flynn was made the Speaker of the Assembly, and the sound of his falling gavel sent a tremor of alarm throughout the State. And when Adrain was re elected to the Presidency of the Senate, it was argued from his activity in forcing the passage of the coal combine bill that the Senate was to be the fit complement of the Assembly in its legislative excesses.

The session began with an extravagance in the employment of a needless retinue of attendants, that showed its trend. Half a score of doorkeepers were assigned to the care of each door in the Assembly Chamber. There were more pages than members. The desks of the Clerks of both Houses were hidden beneath a pile of bills creating sinecures, increasing salaries, prolonging tenures, changing governments, ousting incumbents that refused to bend the knee to the gangs, opening the doors of the municipal and county and State treasuries to the invading vandals—helping along, in every conceivable way, the unholy invasion of private rights for which the control of the public places afforded opportunity. It is neither the purpose nor possible in a work of the scope of this to enter upon the detailed description of their saturnalia. It would involve an exposition of local affairs which have no necessary connection with the State's history except in their general effect. It must suffice to say generally that no private right that could be stolen, nor any public prerogative that had been overlooked by preceding legislation in the interest of the shameless rulers, was left unattacked.

But there was an incident of this legislative session that gave a decided drift to public sentiment and in the end changed the whole current of State history. The aggressive race-track element had been restive ever since Governor Abbett had refused to yield to it in 1890. It had made a second attempt to secure favorable legislation, and had secured the introduction of an act that put the State into partnership with the "bookies" by enacting that she should have half the gate moneys for licensing the race-tracks. But it had been defeated by just such a demonstration as that which had urged Governor Abbett to his veto of two years before. Rev. Dr. Kempshall did not lead it this time, because he was in Europe. Lawyer Richard V. Lindabury, of Elizabeth, marshaled the protesting army, however, with equal skill and led a memorable gathering into the Assembly which had the act in its keeping. With the throng was a delegation of thirty ladies, to whom the Committee of the Whole listened. Mrs. Knowles, wife of Rev. Dr. Knowles, of Elizabeth, was the noted one in the galaxy of opposition orators.

Her speech in behalf of the women of the State won a wide reputation for her. When the members had heard her and the others, they decided to let the bill go no farther, and it was never heard of afterwards.

Meanwhile, however, the State was being treated to the spectacle of the race-tracks at Guttenberg and Gloucester kept open the year around in defiance of law. Their audacity and the fabulous magnitude of their earnings had turned the eyes of the jockeys of the East upon New Jersey, and they came to regard her as their Eldorado. It was said that an abandoned pacing stretch at Clifton, in Passaic county, was also preparing to re-open under the protection of a grand jury. Tracks were laid out at Linden and Elizabeth, in Union county; and Monmouth Park impatiently saw her gates closed by the law to her brilliant July throng of patrons, while less showy gambling courses coined money in defiance of the law for their more reckless proprietors.

Monmouth's failure to "run off" her usual events in 1892 had given the people of the surrounding country an object lesson as to the financial and business value of race-courses, which was reflected in a perceptible popular sentiment in favor of permissive legislation. The great seaside resorts about had been robbed of their crowds and their midsummer gaiety. Long Branch, where the effect was most notable, was like a banquet hall deserted. Her big caravansaries, centers of gaiety, activity and color, the year before, were empty. Hackmen, farmers, traders, among whom the gaudy throng had thrown their money with lavish hand, were disheartened. It was to meet this local sentiment for permissive legislation that Parker, of Monmouth, had in 1891 introduced the bills that Governor Abbett had defeated with his veto. The Gloucester and Guttenberg sports had not been deeply interested in the success of the relieving legislation at that time. One was protected by a Judge who would not punish; the other by a grand jury that would not indict. It was even intimated that Guttenberg was not averse to having this particular form of gambling denied the countenance of the law. To legalize racing was to open other

tracks and to destroy the audacious monopoly out of which its managers had so long been growing rich.

But the pictures of these two lawless resorts at Gloucester and Guttenberg in full swing, while grass grew rank upon the turf in front of the noble grand stand at Monmouth, made a contrast that chafed and inflamed the better sentiment of the State. The conviction of the ballot-box stuffers, upon whose work had rested the title of the Sheriff who drew favoring grand juries in Hudson county, and the defeat of the Democratic Mayor in Jersey City by a Republican, were signs of peril to which these defiers of the law could not close their eyes. The attacks made by law-abiding citizens upon the resorts were daily growing more determined and more aggressive. Rev. John L. Scudder, a public-spirited Congregational minister of Jersey City, headed a crusade upon Guttenberg so damaging and effective, and Thompson, of the Gloucester course, was haled for punishment before the Camden courts so often, that both felt it necessary to join hands with other race-track managers to secure legislative protection. They had all bent their energies in the campaign of 1892 to the choice of complaisant men to the Legislature of 1893, with that end in view; and a horsey flavor was perceptible in the State House the moment the two Houses assembled for the business of the winter.

The election to the House Speakership of Starter Flynn, of the Gloucester race-track, was the first step in the game. The session had progressed some weeks before the next was taken. Then it was Parker, of Monmouth, who stepped into the breach again, this time with three companion Assembly acts, which enabled the authorities of a county or a town to license a race-track within its limits, which took a course where bets were made out of the category of disorderly houses, in which a ruling of Judge Dixon had placed it, and which visited violations of the gambling laws of the State with trifling and inconsiderable fines. Singularly enough the presentation of these bills did not arouse the storm of excitement that even the promoters of the bills themselves expected to see sweep the State. Only a little handful of zealots ran off to the State House to make protest against their

passage. In their behalf Assemblyman Thomas F. Lane, of Union, remarking that it was common scandal that the Legislature was owned by the race-track gamblers, made a demand for a public hearing. Barton B. Hutchinson, a fair-haired Republican lawyer, who sat in one of the Mercer county seats, joined with the fiery Union man in making the demand. Harrigan, of Essex, quizzically remarked that he couldn't for the life of him see what there was so bad about the bills, and the sputtering Beekman, of Middlesex, spoke in a strain which indicated his sympathy with the touts among his colleagues.

Thomas F. Lane.

It was when Thompson, who had really inspired the acts, walked out into the aisle to deliver himself, that the high-handed policy which Speaker Flynn was expected to aid in carrying out was foreshadowed. The Gloucester magnate flew at the young Union Assemblyman like a tiger. Lane had taken his money for campaign use, he said, and now he was opposing his pet bill. Lane made an angry retort, and the discussion was at an end. How well the racing men had the Assembly in hand was revealed by the vote on this simple request that the opponents of the bills be accorded a hearing. Lane's motion was defeated by thirty-two votes, cast by Assemblymen Armitage, Beekman, Byrne, Carroll, Chamberlain, Clarke, Coyle, Cramer, Daly, Dittmar, Diver, Dupuy, Flynn, Harrigan, Henry, Kearns, H. A. Kelly, T. M. Kelly, Lanning,

Lawless, Olvaney, Packer, Parker, Sheppard, Stout, Swartwout, Tahen, Thompson, Utter, Warne, Wright and Zeller.

During the discussion Speaker Flynn curled his lip contemptuously and made a sneering reference to the protesting throng as one made up of "old women and dominies." Staggered by this gratuitous insult at the honest mothers and sisters and daughters of the Commonwealth, Lane stood for a moment like one at bay in the middle aisle of the big Chamber. The happy response soon sprang to his tongue, however.

"The Speaker will remember," he said with impressive emphasis, "that the hand that rocks the cradle rules the world."

It was a stinging reproach, and the packed galleries fairly howled with enthusiasm as they heard it. The plan formed in anticipation of a great popular uprising, was to rush the bills through before the protest, for which Lane hoped to pave the way, could take shape; and, under suspension of the rules, the acts were whipped through and hastened to the Senate Chamber. The consenting affirmative votes were cast by Byrne, Carroll, Chamberlin, Clarke, Coyle, Daly, Ditmar, Dupuy, Flynn, Harrigan, Henry, Honce, Kearns, Hugh Kelly, T. M. Kelly, Lanning, Lawless, Olvaney, Packer, Parker, Peal, Sheppard, Smith, Stout, Strahan, Swartwout, Tahen, Thompson, Tine, Utter, Warne, Wright and Zeller.

Of these, besides Parker, Utter alone was a Republican.

The nay votes were cast by Barrett, Baxter, Berry, Burton, Cramer, Diver, Glaspell, Holmes, Holt, Hutchinson, Kyte, Lane, Matlack, Murphy, O'Brien, Roebling, Ross, Salinger, Stafford, Stanger, Studer and Wilson.

Of these, Timothy Barrett of Essex, Thomas J. O'Brien of Morris, William Diver of Salem, George H. Cramer of Somerset, Thomas F. Lane of Union, and L. M. Wilson of Warren, were Democrats.

As to the rest, Armitage, Baake, Beekman, Gledhill and Woolsey were absent.

The appearance of the acts in the Senate had been anticipated by a contest for the chair to which Atlantic was entitled. "Fitzgerald's Legislative Manual" confers upon that little

county the apparent distinction of two Senators—Albert D. Hoffman, Republican, and William Riddle, Democrat. The two names appear because when Hoffman presented his credentials, young Senator Barrett, of Essex, had filed a protest against his seating, and Riddle, whom Thompson had persuaded the Democrats of the county to put in nomination, claimed to be entitled to the place, and the contest was still an open one when Mr. Fitzgerald's very valuable compilation was ready for press. There never had been an honest doubt about Hoffman's election, and the contest had been inaugurated only for the purpose of driving him to the aid of the race-track legislation. The seated Senator hesitated between his ambitions and his duty till the day before the bills reached the Senate from the Assembly. Then he compromised with his conscience, and agreed to cast his vote for the bills. Stokes, whose brilliant oratory in the Assembly had won him promotion to the Senate, and Colonel William H. Skirm, the military gentleman who spoke for Mercer, and Rogers, of Camden, all renewed in the Upper Chamber the demands Lane had made in the House for a public hearing, but

R. V. Lindabury.

all in vain; and the bills were hastened through in speedy succession the day they were reported. The affirmative votes, besides that of Hoffman, were cast by Adrain, Butcher, Cornish, Daly, Drake, Hinchliffe, Martin, McMickle, Miller, Perkins and Terhune.

Barker, Barrett, Keys, Marsh and Winton, Democrats, voted with Rogers, Skirm, Smith and Stokes, Republicans, in the negative.

The bills had not been placed in Governor Werts's hands before the State was aflame with excitement. The people had languidly contemplated the passage of the acts. But the impudent refusal of the two Houses to permit them to make formal protest to their passage set them wild with indignation. The Elizabeth organization that had sprung so quickly to the defeat of the Parker bill, at Governor Abbett's instance, in 1891, was first afield. It was under the leadership of the venerable Rev. Dr. Kempshall and R. V. Lindabury, the distinguished Democratic lawyer of the city. The suggestion went forth that the entire ministry of the State should make the double outrage upon public rights the text for the sermons of the succeeding Sunday, and every church appointed a delegation to be in Trenton the following week.

Governor Werts needed no urging in dealing with such measures passed under such auspices and by such methods, and the following day John S. McMaster, his smiling Private Secretary, appeared in the House with his vetoes.

The gathering of the army of people was watched with palpitating and feverish anxiety by both sides during the time the bills had to lay over under the rules for reconsideration. The burning question was whether the assembling multitude could perfect their plans and make their descent upon Trenton before the Governor's vetoes could be called up for action. The race men feared the effect of the demonstration upon the solidity of their vote; the anti-race men hastened to make it. Great bodies move slowly, and Hutchinson tried to delay action till the uprising throng could mass. But Flynn, playing his game with a keenness and coolness that showed him to be a dauntless and resourceful presiding officer—even if his talents were engaged

in a bad cause—spurred his jockey colleagues over the home-stretch and the "racers" passed under the string, while the gathering army of protestants looked helplessly on from their several places of rendezvous. The vote by which the bills were re-enacted in the House showed few changes. Baake, the Republican Assemblyman from Atlantic, won condemnation by going over to the support of the racers; Utter and Parker, who had voted for the bills at the start, were his only Republican consorts on the check-list. Armitage, Barrett, Beekman, Cramer, Lane, O'Brien and Wilson were the Democrats who voted to sustain the Governor. When the vetoes came up in the Senate, President Adrain took the whip from Flynn's hand and forced immediate action. Senator Stokes made a speech in support of them —that is, of the vetoes—and Terhune explained that as Monmouth county had a national fame as the rearing-ground for thoroughbreds, he felt that he was merely voicing the sentiment of his constituents in giving his vote to the bills for the second time. Except as to Perkins and Smith, who were absent, the vote by which the Senate overrode the vetoes was the same as that by which it had originally passed the act.

Foiled and defeated in the demonstration by which they hoped to overwhelm the racers, the people now set up a demand for the immediate repeal of the acts, and Lane introduced repealers a day or two following. With the effrontery which had characterized Speaker Flynn's course through all the agitations, he referred them to the committee of which his race-track employer, Thompson, was chairman. It was assumed at once that this eminent Camden statesman would never permit them to see daylight again. Meanwhile the multitude which was preparing to swoop down on the Capitol with a mad energy never before witnessed in the State, made announcement that on Washington's birthday they would take possession of the Assembly Chamber and make their indignant voices heard. Timothy Barrett, the independent Orange representative, sent a resolution to the Clerk's desk extending to them the freedom of the Chamber. Speaker Flynn sneeringly declared, as he heard the resolution read, that the women and dominies would never be allowed

to use that Chamber for their indignation meetings. But the Legislature deemed it prudent to dodge the gathering army, and held no session on the day designated for the meeting. In the morning the throng came rushing into Trenton from every point of the compass—old men and young, big men and little, women and children, mothers and sisters, and sweethearts and wives, by train, by carriage, in stages and afoot—till there were close on to five thousand excited and angry strangers in the town. They marched in orderly procession into the State House, and held a preliminary meeting to arrange the programme for the day. They elected the white-haired Dr. Kempshall, of Elizabeth, President; the equally-venerable Dean McNulty of Paterson, R. V. Lindabury of Elizabeth, and Judge William M. Lanning of Trenton, Vice Presidents, and Editor Charles C. McBride of Elizabeth, Treasurer and Secretary. They organized a perpetual league, and assigned a delegate to see that auxiliary leagues were organized in each county. General E. Burd Grubb was to look after Burlington, Judge Van Valen after Bergen, Senator Stokes after Cumberland, L. H. Kellum after Camden, James B. Dusenbury after Essex, Rev. Judson Pierson after Gloucester, William A. Cotter after Hunterdon, William M. Lanning after Mercer, John T. Voorhees after Middlesex, James S. Yard after Monmouth, Willard W. Cutler after Morris, I. W. Carmichael after Ocean, Rev. Dean McNulty after Passaic, John V. Craven after Salem, J. V. Voorhees after Somerset, Judge Hiram C. Clark after Sussex, R. V. Lindabury after Union, and Rev. J. D. Bruen after Warren. Over these was appointed a State Executive Committee of fifty to act as the central authority.

The preliminaries having been arranged, the throng filed down the staircase to the door of the Assembly Chamber, and demanded admittance. The door was locked; it was the general belief that Speaker Flynn had the key in his pocket. Some one suggested that Bernard J. Ford was the Superintendent of the State House, and a committee was appointed to wait upon him. He placed the key in their hands and the multitude rushed madly into the Chamber. The wildest cheers rent the air as

the Rev. Dr. Kempshall mounted the dais—Speaker Flynn's dais—stationed himself behind the desk—Speaker Flynn's desk—and raised the gavel—Speaker Flynn's gavel—as a a signal for order. Well, to say that when the white-haired parson found himself in possession of the chair and desk and gavel of this arch enemy of the people, as he termed the Speaker, he just clapped his wings and crowed, may not be exactly accurate, but it is wonderfully descriptive of the impression imbibed by the listening thousands.

"By the grace of God," were his first words, "I am in the chair of the man who said we should never be here," and then he launched out into a fiery philippic that kept the crowd enthused from the first word to the last. But it was discovered that even the great big Assembly Chamber was all too small for the assembled multitude; and, having asserted the people's right to assemble in mass meeting in the people's own Assembly Chamber and defied the power of an accidental officer to keep them out, they repaired to Taylor Opera House, which had been engaged for use in the event of their failure to procure recognition of their rights in the State House. There, earnest speeches were made by Rev. Dr. Dixon of Trenton, Rev. Mr. Parsons and Rev. Father McNulty of Paterson, by President Scott of Rutgers, Rev. Dr. Storrs of Orange, Professor T. M. Langdon of Bordentown, and Vice Chancellor Bird of Hunterdon. Rev. Dr. Dixon eulogized Barrett and Barker and Keys, and others who had voted against the bill, and announcement was made that every one of those who had supported the bill had been requested to present himself at the meeting and explain the reason for his action. There was but one response, and that in the repentant voice of Assemblyman Lanning, of Trenton.

Mr. Lanning was a man of means, who had been held in high repute among his neighbors, and he felt the ostracism to which he had been subjected by his advocacy of the bill. When his little children came home from school in tears one afternoon and told him that crowds of their school-mates had followed at their heels jeering them as the sons and daughters of one who favored gamblers, his mind was made up, and he had straightway sought

his pastor, the Rev. Dr. Studdiford, and made confession of his error and expression of his desire to correct it. This little story was not told in all of its details to the crowd, but the bare announcement that the Trenton Assemblyman had solemnly recanted threw the listeners into a frenzy of cheers.

Of course resolutions were adopted denouncing the passage of the racers and demanding the enactment of the repealers; and a committee of fifty was appointed to wait upon the Legislature and present the remonstrance.

Under the prod of this overwhelming demonstration the committee was forced to unbend, and it went through the form of according the public hearing. The League had commissioned ex-Speaker Bergen of Somerset, ex-Senator George H. Large of Hunterdon and ex-Assemblyman William H. Corbin of Union to speak in its behalf. A wintry afternoon sun streamed over the upper galleries down into the open semicircle that sweeps around the Speaker's dais. The members' desks under the shadow of the galleries were occupied by the gathered Leaguers. The gallery was black with people. The League speakers made cogent arguments for their cause. When they had finished a picturesque old man came with halting gait from the shadows till the streaming sun lighted up his pale, clean-shaven face, and his dark-blue clerical coat buttoned close up to his chin. Every man in the audience knew the good Dean McNulty, of one of the Paterson Catholic parishes, and cheers greeted him as he advanced. He looked around hesitatingly, and, drawing his watch from his pocket and holding it in his hand, he began to talk for a limit of time he had evidently set upon himself. It was not a great burst of oratory—his address; but it was so simple and yet so earnest an appeal to the better sentiment of the committee-men as to make it easily the most impressive of the efforts made there that afternoon.

The committee heard them all, and then it was announced that the race-track men desired to be heard, the defiant crew craving for the very privilege that, with such hardened front, they had attempted to deny to the people. They had retained Colonel E. L. Price, the Democratic leader in Newark, and

Samuel Kalisch, an eloquent and successful lawyer of the same city, to argue against the repealers. They were not ready to go on then, and they asked further time. It was only the race-track people's own device to delay and obstruct the passage of the repealers, and it is needless to say that the time they asked was freely given them. They made their arguments, but it was not because of them that the repealers never struggled out of the committee. The committee had been constituted to interpose just such a bar as a failure to report them, against their enactment.

The session did not come to a close, however, till it had witnessed a notable battle between the arrogant jockeys themselves. The Guttenberg and Gloucester people had broken friendship while the bills were on their way through the two Chambers. It was said that the Guttenberg magnates had not contributed as liberally as they should have contributed to the expenses attending the enactment of the laws. The competition of near-by race-courses in the spring, summer and fall left only the winter for Guttenberg's busy season. Though his course was patronized by a crowd that could not reach the competing courses, Thompson was willing to lose his winter business to retaliate upon the Guttenberg parsimony, and he had an act forbidding winter racing prepared.

Assemblyman Joseph M. Byrne, of Essex, introduced it. Livid with rage, Assemblyman "Teddy" Carroll, one of Dennis McLaughlin's political and race-track sucklings, fought it in the House, and Senator Daly, of Hudson, made some really bright speeches in opposition to it in the Senate, but it had been booked to pass, and through both branches it went without a jar.

The work of the jockey Legislature was done now, and it folded its tent and stole away from its trysting-place.

CHAPTER XXXVII.

WHICH IS THE FITTING END OF THE STORY, AND THE LAST CHAPTER IN THIS HISTORY.

THE details of these later sessions of the Legislature have been gone into with somewhat of fullness, not more because of their historical interest than because they mark the end of the epoch in the history of New Jersey which these pages cover. They were the culminating exploits in the rule of the mobs into whose hands the control of the State and of its municipalities had fallen. The State was indignant beyond measure at the outrage the last of her Legislatures had added to the affronts and oppressions of its two or three predecessors. The race-track men applied to the towns and counties for permission to open their courses, and to two or three of them it was freely accorded. The Passaic Freeholders threw the cloak of the new law over the track at Clifton. The village of Eatontown commissioned old Monmouth. The town of Guttenberg, made up mainly of huts and mud roads and snarling dogs, stood as a blazing sword against official interference, at the Guttenberg gates. Thompson, from the Gloucester paddocks, fluttered the license of the Gloucester City Council in the faces of the people. Linden township officials were on the point of granting a license to the Linden track when they were overtaken by a scandal that prompted Supreme Court Judge Van Syckel to commend them to the consideration of the Union county grand juries.

This spectacle of a lot of obscure little towns, not sufficiently conspicuous to make a speck on the map of the State, thus employing the accidental authority with which they found themselves invested to foil and defeat the better sentiment of the whole Commonwealth, in the interest of jockeys and gamblers,

and the invasion of the State at both ends by a coarse, cursing rabble, was a new aggravation. It seemed to be a fitting supplement of the ballot-box rascalities, the delivery of cities and towns over to official looters, the oppressive scrutiny of the all-pervasive autocracy, and it was plainly the outcome of a general demoralization of public sentiment. It was a condition of things that the people could not longer patiently endure, and as the fall of 1893 approached it became apparent that the whole State was ready with a fierce determination to do the house-cleaning which it had been restrained from doing in 1892 by the fear of injuring the candidacy of Cleveland for the Presidency.

There were no diverting issues this time for the recreant Democratic leaders to hide behind. There was nothing on hand but the choice of a new Assembly and a half a dozen new Senators, and the questions at issue concerned only home affairs. They had to come to the open and meet, without adventitious shield, the charge that they had abused their trusts, sold the rights of the people, outraged their consciences, conspired against their welfare, stained the escutcheon of the State with shame, and treated public office as a private emolument. The Democratic managers themselves could see that the arm that had been poised aloft in the campaign of the preceding fall was to fall this time with crushing weight, and they trembled.

They still hoped, however, that the gerrymander of 1892, devised with the idea of preventing the expression of an accusing popular sentiment in the halls of the Legislature, would protect them; and the Republicans themselves feared that with its elaborate scheme of disfranchisement it would prove a handicap that they would find it impossible to overcome. They went to the Supreme Court for relief. The argument was an exhaustive one on both sides. The court had not reached its decision when election day came around.

Then it was seen that the people had swept away even its great barriers with the force of a whirlwind. The bill had been framed so as to assure forty-four of the sixty Assembly districts to the Democrats. The count of the ballots gave over forty of the seats to the Republicans. The Republican majority in the

State approached 30,000. Never in its history had the State so emphatically repudiated her rulers and sent new men forward to displace them and undo their wrongs and inaugurate a cleaner government on a higher plane.

The race-track Assemblymen who had dared to seek re-election were repudiated with special emphasis. Utter, of Morris, had been frowned out of town by his indignant neighbors. Baake's renomination sacrificed Republican Atlantic to the Democrats. Even Democratic and race-track Monmouth refused to send Terhune back to the Senate, and elected Bradley, of Asbury Park, in his place.

And, after the victory had been won in spite of the gerrymander and in the face of the fact that every public place in the State was manned with a retainer of the thoroughly-organized ring, the Supreme Court surprised everybody by a ruling that the system of electing Assemblymen within district lines was not lawful, and that to be in consonance with the requirements of the State Constitution the Assembly delegations must be elected in each county on a general county ticket.

The Republican leaders and legislators had ample notice, before they reached Trenton on the eve of the organization of the Legislature which they had so overwhelmingly captured, that they were not to be allowed to take unobstructed possession of the State Senate. Rumors had been rife for weeks that some one of busy brain was conjuring up devices to keep the control of that branch of the Legislature out of Republican hands, in the hope of preventing legislative interference with the operations of the Rings and the tenure of the Ring office-holders. A challenge to the whole array of Assemblymen was threatened, on the ground that they had been elected by districts, in accordance with the gerrymander law, which the Supreme Court had just set aside, and not in the several counties by the voters at large, which the court had at the same time declared to be the only constitutional method for their election. State Comptroller Heppenheimer made public announcement through the prints that he would, for that reason, refuse to surrender his office to a successor chosen by the Assembly in joint meeting

with the Senate. He afterwards withdrew the threat, and when it was discovered that the Republicans had rather robbed the point of its tenability by abstaining from entering up judgment in their gerrymander proceedings, that plan of battle was abandoned. Right on the heels of it came a suggestion that the Governor call the Senate together in special session, to give the Democratic majority an opportunity to unseat Senator Hoffman, Republican, of Atlantic, and so maintain Democratic supremacy, by a majority of one, in the new Senate. That idea was credited to Thompson, of Gloucester, and met with marked popular disfavor. The most reckless of the plotters realized that a convening of the Senate in irregular session, to take from him the seat which had been confirmed to him by an opposition majority, would lay everybody who had a hand in it open to serious criticism, and that plan, too, fell to the ground, while a wondering State indulged in wild speculations as to the next move that was to be set on foot.

It seemed for two or three weeks as though the situation offered insuperable obstacles to the destruction of the Republican majority in the Senate, and the people began to believe that peaceable possession would be given to the new Senators; but these hopes were dashed when one of the newspapers announced the outlines of a new plan. This was to set up the point that the Senate was a continuous body; that it consisted, at the hour for the organization, of the nine Democratic and four Republican Senators whose terms had not expired and who were to hold over from the old Senate into the new; that these were the constitutional judges of the election and return of the new members, and that they must pass upon qualifications and credentials before the newly-elected men could become full-fledged and active Senators. Before the organization day arrived, it was understood that George W. Ketcham, the new Senator from Essex; Daniel J. Packer, the new Senator from Gloucester; Lewis A. Thompson, the new Senator from Somerset; Foster M. Voorhees, the new Senator from Union, all Republicans, and Christopher F. Staates, of Warren, the only Democrat who had been elected to the Senate in the eight counties in

which new incumbents had been chosen, were to be promptly admitted to their seats; but the intimation was that the filing of protests against their seating, which no one was allowed to see, would serve as pretexts for keeping James A. Bradley, the new Monmouth Senator; M. A. Rogers, re-elected to represent Camden, and John C. Ward, the new Salem Senator, indefinitely out of the places to which the people had sent them. The success of that scheme would have made a Senate consisting of ten Democrats and eight Republicans, and the legislative reforms for which the people of the State had voted would, as the result of a dead-lock between the two Houses, be defeated.

These movements were directed with special force against Senator Bradley. He had made a campaign in Monmouth that was quite as picturesque as it was successful; and the eyes of the State had been attracted to him by the novelty of the methods he employed. His distribution of scrubbing-brushes with campaign legends of one kind or another upon them, among the housewives of the county, and of shining silver dimes among the younger fry as a temptation to commit his campaign songs to memory and to learn the measure to which they were sung, was made the object of criticism by the Democratic leaders. They claimed that under the English law the employment of such methods amounted to bribery, and they prepared to make a contest for his seat in the Senate Chamber. Senator Henry S. Terhune, who had been the Democratic candidate against him, disappointed their expectations by refusing to file a protest against his admission. Mr. Terhune based his refusal on the broad ground that Mr. Bradley had been the choice of the people, and that he could not participate in any movement to deprive them of their rights. But the disappointed Democrats ascribed his refusal to personal motives. Mr. Terhune was a close relative—and the heir-at-law—of ex-Senator Henry S. Little, and Mr. Little was the bitter personal and political enemy of United States Senator John R. McPherson. Mr. Terhune argued, according to the theory of the disappointed Democrats, that a Democratic majority in the Legislature would favor the

re-election of Senator McPherson; and, to please Mr. Little, concluded that he would not help to make a majority that might be so perverse, by insisting upon his seat in the Senate, even though he believed, as they suspected he did, that he might make a successful contest for it. Finding it impossible for whatever reason to tempt ex-Senator Terhune to pose as the aspirant for the seat, Mr. Bradley's opponents resorted to the expedient of preparing a protest against his admission. Such a protest is known to have been circulated among the Monmouth people for signatures. To what number signatures were secured, only those who handled the paper can say. It was said that it was delivered to Senator Daly, of Hudson, for use as a foil against Bradley's election credentials, when he should offer them for acceptance to the hold-over Senators; but though Mr. Bradley made strenuous efforts to get a glimpse of it, Senator Daly steadily kept it out of view till the very end of the controversy that ensued.

The slimness of the majority by which he had been elected to a seat in the Chamber was the single basis of the Democratic designs upon the seat to which Ward, of Salem, had been chosen; and in the case of Rogers, who had been re-elected to represent Camden in the body, the reasons for contest were even less tangible. Thompson, the manager of the race-tracks at Gloucester City, had found it impossible, when the race-track bills were pending before the Senate of 1893, to force or persuade Rogers into voting for them, and he had made a strong attempt to prevent his return to the Senate of 1894. It was understood that General Sewell was not unfavorable to the Senator's re-election. Thompson went to the Camden chieftain and endeavored to persuade him to fight Rogers out of the Republican County Convention. If the General had ever wavered in his support of Rogers, he probably found in Mr. Thompson's opposition the most cogent of reasons for warm advocacy of Rogers' claims, and Rogers had easily achieved a renomination. The county had so pronounced a Republican majority that the nomination was equivalent to an election, but Thompson turned his race-track followers and his heelers of all kinds loose upon

the community; made, in a print which he controlled, the most obscene of charges against Rogers' personal conduct, and poured out money like water in the hope of defeating him. Ex-Speaker Flynn, who was Mr. Thompson's lieutenant in the conduct of the campaign, confidently predicted that the result would be Rogers' defeat in spite of the nominal majority at his back; and the revelations of fraud in the Assembly district which Thompson represented at the time in the Assembly, made by an Investigating Committee of the Assembly, of which Assemblyman Storrs, of Essex, was Chairman, was excused by Thompson's friends on the plea that they had been perpetrated not for the purpose of re-electing Thompson, but for the other purpose of defeating Rogers. Notwithstanding the expenditure of money and the Thompson heelers and the vile newspaper attacks and Mr. Flynn's confident predictions, Rogers survived the conflict to appear in Trenton as one of the three Republican Senators-elect who were not to be permitted to take their seats. But their Democratic competitors at the polls failed to appear in the Senate Chamber as contestants for the seat of either, and, as in the case of Senator Bradley, the only objection that could be offered to their seating was the claim that "some one" had filed protests against their admission.

Maurice A. Rogers.

It was plain to every eye that the stakes for which the men in whose interest this obstructive process had been devised, were enormous. The race-course men contemplated spiking the judi-

cial decision against the Race-track law with an appeal to the Court of Errors, and re-opening the tracks. Hundreds of State officials, whose positions would be taken from them by a Republican Legislature, and the thousands of officials in control of cities, towns and villages who were soon to be ousted from their places, would be made secure against interference. Men who had been in the business of owning Legislatures for the personal profit their control of legislation brought to them could still exact tribute for preserving the *status quo* for their shady clients. But in spite of the temptations the situation offered to the Democrats in control, the Republican Senators were scarcely able to convince themselves, when they went to Trenton, that anything so audacious as had been suggested would be attempted. Soon after their arrival they held a series of conferences with General Sewell, Franklin Murphy, the Chairman of the Republican State Committee; ex-Congressman John Kean, Corporation Counsel Joseph Coult, of Newark; ex-Senator Garret A. Hobart, the Vice Chairman of the Republican National Committee; ex-Senator John W. Griggs, ex-State Comptroller E. J. Anderson, Colonel John J. Toffey, Edward Bettle, ex-Riparian Commissioner Richard B. Reading, and a number of other conspicuous Republicans. They began to fear that there might be something in the threats of the hold-overs when they had learned what these gentlemen knew, and the possibilities they thought

John J. Toffey.

they might be forced to face in the morning were canvassed from every point of view, and their course mapped out.

The night before organization never fails to draw a large concourse of interested and curious politicians to the State Capital. This feverish Monday evening saw Trenton in possession of such a throng as seldom invaded her. Newark sent down two or three large Republican clubs. Senator Rogers had come up from Camden with an organized escort. Every train from north or south or east or west rolled into the depots choked with passengers, and rolled out empty. Some were office-seekers; some were enthusiasts; others were drawn by mere curiosity and the love of excitement. By the time the electric lights had been lighted, the streets upon which the hotels faced swarmed with people. The possibilities of the next day were the one topic they discussed. They choked the hotel stair-cases and streamed through the hotel corridors in quest of tid-bits of information and speculation to feed the endless gossip of the night. By nine o'clock they were swaying in a solid mass from one hotel front to the other. The Windsor, which was the headquarters of most of the Republican Senators and of many of the Assemblymen, and the Trenton House, where General Sewell held forth in the famous Room 100, were impassable for half the night because of the crowd. At the Windsor, the Senators were haled, by the enthusiastic multitude, to the windows of an upper story for speeches. Senator Ketcham made a little address, in which he expressed fears that the worst was to be and hope that it might be better. And Senator Bradley, though quite unable to walk because of a recent injury to his foot, limped on his crutch to the casement, and vowed that he'd take his seat in the Senate on the morrow, and stay there till, as he expressed it, he was "chucked out." The clamor of applause that greeted this somewhat inelegant announcement set the bell in the tower of the church across the street in vibration General Sewell and his companions in the Trenton House were serenaded, and speeches in similar vein, delivered from the balconies, provoked fresh outbursts of deafening applause.

An unwritten law of the State fixed three o'clock of the following afternoon as the hour for organization of the Legislature. The feverish throng awaited the coming of the hour all too impatiently. Michael Nathan, the Sergeant-at-Arms of the last Senate, anticipated their arrival at the State House. In the morning he secured the keys of the Senate Chamber from State House Superintendent Bernard J. Ford, made a survey of the room, and went for his dinner. Shortly before two o'clock he returned, and took possession of the Chamber. The Democratic hold-over Senators straggled along one by one shortly afterwards. The crowd in the broad corridor was growing denser and denser each minute. It was menacing in its demeanor and had evidently gathered with the purpose of overawing the orderly progress of events and forcing the issue for the Republican side. Nathan took it upon himself to bar all the doors—the fretted glass doors opening upon the broad aisle of the chamber, and the doors leading to the lobby-rooms and the galleries—against their admission. The throng pressed so viciously on all sides, that he became alarmed lest they should burst the locks, and he deemed police aid necessary.

It was a hopeless task to undertake to push his way through the solid mass of humanity that had wedged itself into the corridor; and, stepping through a window in the rear of the President's room, he ran across the lawn and was lifted through another window into the Executive Chamber. He made Governor Werts acquainted with the situation, and the Governor's telephone for police aid soon brought Captain Cleary with a squad of sixteen men to the building. It was with infinite difficulty that these stalwart fellows ploughed a lane through the crowd, so that those entitled to admission to the floor might make their way to the Chamber doors.

Before three o'clock, eight of the nine Democratic "hold-over" Senators had taken their seats within. Senator Martin, the ninth, was confined to his home with an illness that kept him away for all the session. The eight were impatient to proceed with their programme; and the big hand of the electric clock over the door had not sprung to the three-o'clock mark when

Samuel C. Thompson, the stocky Secretary of the last Democratic Senate, proceeded to call the roll; and in doing it he called the names of none but the thirteen hold-overs. The eight Democratic Senators responded, and Daly followed with a motion that Senator Adrain be chosen temporary Chairman of the organization, and other motions continuing the Secretary and his assistants in their places.

Adrain took the chair and toyed with the gavel for several minutes. Shortly after three o'clock martial music was heard in the hall. A band heading the Senators, with General Sewell and ex-Senator John W. Griggs in the lead, and followed by a crushing throng, approached the Chamber door. It refused to yield to their pressure, and Senator Ketcham tapped angrily on the glass for admittance.

"Who is knocking?" shouted Nathan from within. "If he is a Senator, let him give his name."

Barker Gummere, who was in the front of the processionists, hearing the key turn in the lock, opened the door on a jar and pressed himself into the opening. One of the Democratic doorkeepers sprang to the knob, and in his efforts to force the door shut again crushed Gummere. He was forced back, and the multitude in the corridor broke into a yell of scorn and derision. When the tumult had subsided, Senator Voorhees, of Union, rapped again for admission.

"We are Senators demanding our seats," he shouted, in his clear and resonant voice. The door was slightly opened, and George Coleman's face came into view.

"None but Senators are to be admitted," he said, hoarsely.

"Well," said Voorhees, "I am a Senator."

"I know you," Coleman responded, "but there are some whom I do not know."

"All right," said Voorhees, "let me in and I will identify the Senators as they pass through."

The door was now drawn back sufficiently to admit of the passage of one man through it, and Voorhees, passing in, took his stand at the opening. Each Senator, as he squeezed his way through the throng in the hall, stood at the opening till

Voorhees had said "He is a Senator," and then passed in. The police, meanwhile, stood guard on the outside, shouting "Stand back!" to the pressing crowd with endless iteration, and applied their clubs freely upon the heads and shoulders of the luckless men on the edge of the throng, to enforce compliance with their command.

The eleven Republican Senators—the absent four of the thirteen hold-overs, and the seven newly-elected men—were eventually squeezed out of the throng, by the crush in the hall, into the Senate Chamber. They were surprised, as they trudged along to their seats, to see Adrain in the chair and the Senate apparently organized. That was an emergency that had not occurred to them in their deliberations as among the possibilities of the situation they were expected to confront, and the plans they had determined upon in caucus did not meet it. Adrain seemed to realize that he had an indignant and determined body of men to face, and he had fortified himself for the encounter behind his blandest air. His sardonic face was wreathed in smiles, and he met the attacking party with goading suavity and good nature.

William D. Daly.

With the eleven inside, Senator Stokes arose to a question of privilege.

"We have come here to organize the Senate in the usual way," he said.

Then, referring to the rumors which represented that the Democrats had determined not to admit Senator Bradley to his seat, he asked President Adrain whether Mr. Bradley's credentials would be accepted along with the others.

"The Senate," smiled Mr. Adrain, "will proceed in accordance with the usual parliamentary rules."

Senator Daly the next instant sent to the Secretary's desk a paper that answered Senator Stokes's inquiry much less evasively. It was a resolution calling for a special committee, to be named by Adrain and to examine the credentials, and preventing the seating of any Senators-elect until the committee had reported the credentials back. Every one understood at once that three of the Republican Senators would find it difficult to get their papers out of the hands of the committee, and that the Senate was to be organized without them. Senator Stokes declared the appointment of any committee to pass on credentials contrary to all precedent, and held that the credential itself gave the Senator holding it a title to his seat. The Republicans now proposed to stand on their constitutional rights, he declared. They were "determined that the people should reap the fruit of their victory last fall," and that the eleven Senators, constituting the majority of the Senate, expected to organize it. Then, turning his face to Senator Bradley, he asked of that gentleman, "Have you been sworn in?"

"I have," responded the Monmouth Senator.

"Have you your credentials?" Stokes pursued.

"Ah!" put in Adrain, blandly, and turning to Bradley, "The gentleman has no right to speak on the floor except by unanimous consent."

Colonel Sharra was on his feet in an instant.

"No one can dispute my right to my seat," he exclaimed, "nor can my right to speak here be challenged. I hold in my hands"—he fluttered a bundle of papers over his head—"the credentials, not only of the Senator from Monmouth, but those of every other newly-elected Republican Senator."

"Will the Chair accept these?" asked Stokes.

"There is a resolution before the Senate," Adrain responded, "that answers that question."

Senator Voorhees leaped into the center of the floor and, in a burst of indignant eloquence, demanded the recognition of the Chair as a fully qualified Senator.

"The gentleman has no right to speak," said Adrain, with a conciliatory smile, "and he will please take his seat."

Voorhees went on with his fiery speech, in spite of the ruling.

"The gentleman will take his seat." Adrain brought his gavel down on the marble stand before him to enforce attention.

Still Voorhees defied and demanded.

"Sergeant-at-Arms will see that the gentleman takes his seat," Adrain ordered.

Nathan stepped to Voorhees's side.

"Will you sit down?" he asked in a voice that could be heard all over the chamber.

"No, sir!"—Voorhees waved the official of Italian countenance away—"You're not my Sergeant-at-Arms."

"Ain't I?" blurted Nathan. "I didn't know you owned one, sah!"

It was seen that the eight Senators in possession intended to adhere to the plan outlined in Daly's resolution, and Stokes, gathering his papers from his desk, was heard to say that nothing remained but an organization of the Senate elsewhere. The eleven Republicans, with him in the lead, withdrew to the lobby off the north side of the Chamber. Before he closed the door he thrust his head through to shout to Mr. Adrain and the Democratic eight that if they wanted to be part of the real organization they had better join the throng inside. It was half feared that Adrain would send officers to clear the little room, and the moment the door was closed some one braced his back against it. There, under the guidance of Stokes, the Republican Senate was called to order. Senator Rogers, of Camden, was elected President, and Wilbur A. Mott, a Newark lawyer, Secretary. Rogers drew several sheets of foolscap from his pocket, and in spite of Senator Ketcham's nervous admonitions

to "cut it short," read a somewhat lengthy speech of acceptance which he had committed to memory.

Senators were sent to the Governor to notify him of the organization. The Governor met them with a pleasant smile when they had made their way, through the windows opening from the lobby, into the Executive Chamber, but a similar committee from the "Continuous Senate" had been there in advance of them, and he dismissed them with the information that he had "already transmitted his message to the Senate of New Jersey." The Republican Senators had gone there with the full conviction that their organization would meet with a rebuff at his hands, but they scarcely expected to be confronted by so plump a recognition of the rival organization. Governor Werts had taken the opinion of Attorney-General Stockton as to the rights of the respective Senates, and the Attorney-General had sustained the Democratic contention that the Senate was a continuous body, and that the newly-elected members must present their credentials to the hold-over thirteen.

Edward C. Stokes.

The fact that this opinion had been rendered was known all over the State. The Republican preparations for the controversy had been made on the assumption that it foreshadowed the stand the Governor would hold in the controversy. But while it was known that he would withhold the recognition of his department from the Republican Senate, it was assumed that

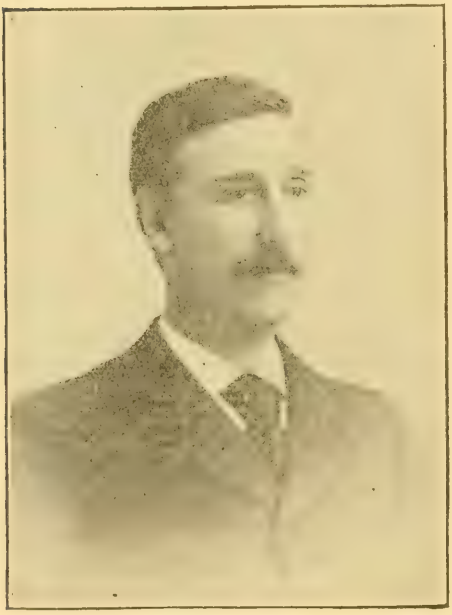
the fact that the "Continuous Senate" had been organized without a quorum would make it impossible for him to hold any official relations with it. The Governor had been informed, however, that the roll-call revealed the presence of thirteen Senators, and as thirteen constituted the quorum of any possible Senate, he had been beguiled into sending his annual communication to it.

Meanwhile, the House of Assembly, with, as already stated, a large Republican majority, had organized in the big white Assembly Chamber without any friction. John I. Holt, of Passaic, had been elected Speaker, and ex-Assemblyman J. Herbert Potts, of Hudson, Clerk. A committee from the Republican Senate, sent to notify the House of its organization, had quite a different reception from that which had been accorded the other committee in the Governor's room. It was not a more pleasant or a more genial one, but it was a more satisfactory one. The enthusiastic members broke into cheers at the announcement that the Senate was ready for business the sympathizing throng in the crowded galleries echoed the applause, and the House sent a committee to the waiting Senators to assure them of its distinguished consideration and of its readiness to join with them in perfecting the legislation of the State.

Thus recognized by its sister branch of the Legislature and discountenanced by the Executive Department, the Republican Senate was in an anomalous position, and a deadlock in legislation supervened. The Senate and the House could pass bills, but the Governor would refuse to receive them, and so block their way to the statute-books.

It was the idea of some of the Republicans that if the eleven Republican Senators could secure possession of the Senate Chamber, their status would be improved. They had arranged to hold an adjourned meeting in the evening, and the crowd of the afternoon hung around the corridors to await developments. There were shrieks, and cat calls, and whistles, and frequent demands for a bursting of the locked doors. At about dusk Colonel Murrell, a six-foot-high colored editor and politician of

Asbury Park, braced himself against one of the light doors at the foot of the gallery stairs till it yielded to his pressure and flew open with a crash. Captain John Graham, of Jersey City, the same who had so materially assisted the Gardner Committee in the ballot box stuffing investigation, rushed up the steps into the gallery, threw himself over the balustrade, and swung from one of the gas jets fixed in the Chamber walls, to the main floor of the Senate; rushed to the big folding doors that opened into the corridor, drew back the bolts, swung them open to the multitude; and the crowd held possession of the Chamber till the eleven Republican Senators marched in in the evening and held a little glorification meeting there.



William S. Hancock.

There was talk among some of them of swearing in a posse of special deputies under command of the Republican Sheriff of the county to hold the Chamber against recapture by the Democratic Senators, but when it was remembered that Governor Werts had power to call out the State Militia, it was seen that a move of that kind might precipitate an ugly conflict of authority, and possibly bloodshed; and that idea was given up. The Senators were advised that the mere possession of the Senate Chamber gave them no rights that they could not as well exercise elsewhere; and, having on the floor of the Senate declared themselves to be the lawful Senate of the State, they picked up

their hats, and went away, leaving the doors open for any who might choose to enter. Till the settlement of the controversy the Democratic hold-overs were left in undisturbed possession, and the eleven Republican Senators, transacted business in a little committee-room across the hall from the Assembly Chamber.

Governor Werts felt that the honor and wisdom of his administration were challenged by this condition of affairs that made the orderly progress of legislation impossible, and he was anxious to find some way of taking the matter into the courts. His plans to that end were handicapped by the refusal of the Republican Senators to aid him in making a case over which the courts could have jurisdiction. Their contention was that the Legislature and the judiciary were co-ordinate branches of the State government, and that the courts could not, by any decision that they might render, make a Senate or unmake one. There was an idea prevalent at one time that the issue might be over some of the legislation enacted by the two Houses, but the inability to get a bill passed by them beyond the Governor's office prevented it from becoming a law which could be made an object of contest by those upon whom it bestowed office. Later on the two Houses, in joint meeting assembled, elected William S. Hancock, of Mercer, a rich Trenton potter, whose years of active work at the accountant's desk had peculiarly fitted him for the duties of the office, to succeed General Heppenheimer as State Comptroller; and George B. Swain, a rich lumber merchant of Newark, to succeed George R. Gray as State Treasurer; and it was believed that the contest of these two gentlemen to wrest the offices from the two in possession would make a case of which the courts could take cognizance. When it was remembered, however, that the Governor would refuse to sign their commissions, on the ground that the Senate which had joined the House in their election was not the lawful Senate, and that without such a commission the two new incumbents could have no standing as claimants, it was seen that that incident offered no hope of relief.

It was determined, however, to bring the matter into court. The Governor called Frederic W. Stevens, a well-known municipal lawyer of Newark, and R. V. Lindabury, of Elizabeth, into consultation with the Attorney-General; and after much poring over books and countless consultations, they patched up a case over which they thought the court might possibly take jurisdiction. This proceeding was on the assumption that one or the other of the Senates was a disturber of the public peace, and both Rogers and Adrain, the presiding officers of the rival Senates, were called to the bar to show by what right they acted.

The issue was argued in court, with much skill and learning for the Republicans, by Thomas N. McCarter, Cortlandt Parker and Joseph Coult of Newark, Samuel H. Grey of Camden, and John W. Griggs of Passaic; and for the Democrats by Allan L. McDermott of Hudson, F. W. Stevens of Essex, R. V. Lindabury and Attorney-General Stockton himself. The Republicans, for one part of their case, denied the jurisdiction of the Judges, and on the main question urged that as the Constitution declared that the Senate should consist of one Senator from each of the twenty-one counties in the State, the hold-overs had no right to disfranchise any one of the counties by refusing to accept the credentials of an elected member; that the credential itself constituted the title of the man holding it to his seat, and that the Senate's power to judge of the qualifications, election and return of its members did not attach till the twenty-one counties were represented on the floor and the elect sworn in.

The Democratic side presented a variety of views for the court to select from. Mr. McDermott held that the Senate was a continuous body, and that the new men were not Senators until their credentials had been passed upon; that the thirteen hold-overs were the Senate of New Jersey, and that, as the Democratic nine were a majority of the thirteen, they constituted a quorum that had a right to organize provisionally by placing Adrain in the chair. Mr. Lindabury addressed his argument only to the question of jurisdiction, and Mr. Stevens treated the court to a surprise in his insistment that neither

Senate had a right to organize, and that, consequently, neither Adrain nor Rogers was a properly-elected President.

The court held the matter under advisement for two or three days. The guessing politicians predicted that it would uphold the regularity of neither of the organizations, but would lay down a rule by which the rivalry might be compromised and a Senate organized for legislation. Almost before these guesses had taken shape, the Judges met in conference, and, by a vote which would have been unanimous but for the dissent of Justice Abbett, decided all the points in the controversy.

George B. Swain.

The aged Chief Justice Beasley read their opinion as formulated for them. Brushing aside all the technicalities that had been thrust into the case by the lawyers, he ruled that the Senate was not a continuous body; that the credentials of the newly-elected constituted a title to their seats, and that Mr. Adrain was not the President of a Senate. The necessary inference was that the eleven Republican Senators constituted the Senate, and that Mr. Rogers was rightfully in office. Several weeks later Judge Abbett filed an opinion, in which he held the converse of these propositions, except as to Adrain. His ruling contained a remarkably strong argument in support of the proposition that the State Senate is a continuous body, and made out a case from that stand-point that commended itself to the judgment of many of the best lawyers of both parties in the State.

The nine Democratic hold-over Senators had, however, mean-

while accepted the decision of the Chief Justice and his consenting colleagues, and joined with the eleven Republicans in making the Senate, whose regularity was not afterwards disputed. With the House and with the Governor, it began the session's real work of legislation, and continued the sitting until the middle of May. Many of the bills that the two Houses enacted were aimed at the dispossession of Democrats from places for which the preceding Democratic legislatures had appointed them, and the naming of Republicans in their stead. The certainty that Governor Werts, who himself was a Democrat, would veto them, led to a two days' session after the close of the regular session, for the purpose of overriding his judgment. Even then final adjournment was not declared, but recess was taken until fall, to afford opportunity for the enactment of a new Assembly districting bill, in the event of the Court of Errors setting aside on appeal the Supreme Court's decision directing the election of Assemblymen by counties.

APPENDIX A.

The following communication from Charles B. Thurston, of Jersey City, published in the Newark "Advertiser," during the pendency of the Water-front bills in the Legislature, traces the title of the Jersey Associates and of the Pennsylvania Railroad Company to the Jersey City water front:

"It would puzzle most of the readers of the 'Daily' to tell exactly the derivation and the present status of the institution styled 'The Associates of the Jersey Company,' who claim to retain the ownership of the water front at the foot of Jersey City streets, from which the Anti-Monopoly Aldermen are seeking to oust them. The Dutch West India Company, chartered on June 3d, 1621, having established their colonial headquarters on Manhattan Island, granted to all such as should plant any colony in New Netherland certain freedoms and exemptions. Concerning these, Mr. Broadhead says: 'Reserving to themselves the Island of Manhattan, * * * to private persons disposed to settle themselves in any other part of New Netherland, the company offered the absolute property of as much land as the emigrants might be able properly to improve.' These privileges were confined to members of the West India Company. Any member who should plant there within four years a colony of fifty persons was to be acknowledged as a Patroon or feudal chief of the territory thus colonized. Each colony might have lands sixteen miles long on one side of a navigable river, or, if both banks are occupied, eight miles on each side, extending as far back into the country 'as the situation of the occupiers will permit.' Each Patroon was required, as a condition of his title, to satisfy the Indians for the land taken by him. If he established a city, he was to have 'power to establish officers and magistrates there.'

"Desirable sites for settlement on such favorable terms were snapped up quickly. Kiliaen Van Rensselaer seized the regions adjacent to Fort Orange (called by the Indians Semesseck, now Albany. Samuel Godyn and Samuel Blommaert together appropriated lands on the 'south corner of the bay of South river.' This was not the New Jersey river of that name, but the Delaware river, and the settlement was in what is now known as Cape May county. Michael Parroo, the thrifty Burgomaster of Amsterdam, appropriated to himself the southern portion of the New Jersey shore opposite to Manhattan Island.

"In the first deed of record in New Netherland, dated July 12th, 1630, the Director and Council of New Netherland, 'residing on the Island of Manahatas and the Fort Amsterdam, under the authority of their High Mightinesses the Lords States General of the United Netherland, and the incorporated West India Company, at their Chambers at Amsterdam,' witnessed and declared that Arommeamn, Teckwappo and Sackwomeck, inhabitants and joint owners of Hobocan Hackingh, had appeared before them and averred that, 'for and in consideration of a certain quantity of merchandise, which they acknowledge to have received,' they had sold Hobocan Hackingh to 'Mr. Michiel Parroo, absent.'

"On the twenty-second of November, in the same year, as appears by the deed making the second, as the foregoing was the first, conveyance of land in East Jersey, the Director and Council witnessed and declared that 'Kikitoann and Aairoun, Virginians, Inhabitants and joint owners of the land named Ahasimus and the peninsula Aressick,' for themselves and Mingm, Wathkath and Canwins, joint proprietors, in consideration of certain parcels of goods given them, sold and delivered to 'the Noble Lord Michiel Parroo, the aforesaid land Ahasimus and Aressick, * * * extending along the river Mawirtius and the Island of the Manahatas on the east side, and the Island Hobocan Hackingh on the north side, surrounded by swamps, which are sufficiently distinct boundaries.'

"Hobocan was the Indian name for tobacco pipe, and, with the suffix Hackingh, signified 'the land of the tobacco pipe,' a peculiar stone found there furnishing the heads of their pipes. Aressick, signifying burying-ground, was the southeasterly portion of the land now covered by Jersey City, and was known as Paulus Hoeck for many years afterwards, where a British fort was established during the Revolutionary war.

"Ahasimus included all the upland east of Bergen Hill except Paulus Hoeck. It was separated from the Hoeck by a salt marsh extending from Communipaw cove to the cove of Ahasimus, now Harsimus.

"Aressick and Ahasimus together included all the interval land from Hoboken to Communipaw bay. Pavonia, where the Erie ferries are established east of Harsimus cove, is a Latinized version of Parroo's name, bestowed on the district by himself.

"It was natural that trouble should arise between the company and the Patroons to whom they had delegated these large powers. On May 13th, 1634, their High Mightinesses the Lords States General, deputed some Lords from their Assembly to examine and report on the differences which had arisen between the Patroons and the company.

"The result was that the company bought out Parroo. The consideration paid him, 26,000 florins (about $10,400), was no doubt a handsome bonus for the lands now covered by Jersey City and Hoboken, for which he had dickered goods and merchandise with Teckwappo and Kikitauw, and the other Indian owners four years before.

"Abraham Isaacsen Planck bought the whole of Paulus Hoeck from the company in 1638, and paid 250 guilders for it. He leased it with his house and garden to Cornelis Arissen in 1644 for six years. The rent was to be 100 guilders the first year and 160 guilders a year afterwards, 'if Jan Potagie [Soup John] continues to reside on the Hoeck; but if said Potagie shall leave, the lessee shall pay for the aforesaid five years 180 guilders.'

"Aert Tennissen Van Putten, the first white resident of Hoboken, was also the first to establish there a brewery of the beverage with which the name of the city has since been so widely associated. He leased the farm or bouwerie from the company for twelve years from January 1st, 1641, and his rent was fixed as 'the fourth sheaf with which God Almighty shall favor the field.'

"Of the two houses built in Pavonia in 1633 while Parroo owned it, one was at Ahasimus and occupied by Cornelis Van Voorst, who came from Holland to be Parroo's head commander, and continued in it under the company. It was in this house that, according to Broadhead, Van Voorst entertained Wouter Van Twiller and good Dominie Everardus Bogardus, the husband of Anneke Jans, with princely hospitality, and, upon parting with his guests, fired a salute from a swivel in front of his house, which was burned down through a spark from the swivel lodging on the reed-thatched roof. The other house was at Communipaw, where Jan Evertse Bont, formerly Parroo's Superintendent, had his headquarters. He afterwards, like the Hoboken tenant, leased the bouwerie from the company at a rent of one-fourth of the crops.

"The point at the mouth of Mill creek, Jan de Lacher's Hoeck (John the Laugher's Point), was probably so named because Jan Evertse Bont was a jolly

Dutchman. Governor Kieft and Council afterwards granted Bont a patent for this bouwerie, containing eighty-four morgens. It was at Jan de Lacher's Hoeck, in 1643, while Bont was still a tenant, that the Pavonia massacre occurred, in which Governor Kieft's soldiers killed eighty sleeping Indians, sparing neither squaw nor papoose, and thus kindling the Indian war, which blazed fiercely for two years afterwards.

"Jolly Jan Evertse Bont afterwards moved to Breucklen, where he was appointed a Schepen in 1646. On his re-appointment in 1654 he refused to accept office, an example which is rarely followed by the modern Brooklyn politician.

"Governor Carteret when the English gained possession of the New Netherlands, confirmed to Abraham Isaacsen Planck, in May, 1668, by a document known as Patent No. 5, the title he had received from the Dutch West India Company for Paulus Hoeck, and this title forms the starting-point of that of the Associates of the Jersey Company.

"In 1669, John Abeel, attorney in fact for the owner, conveyed Paulus Hoeck to Cornelius Van Voorst, who was probably a son of Cornelius, Parroo's 'head commander.'

"The New York 'Mercury,' of July 2d, 1764, announces that 'The long wished for ferry is now established and kept across the North River from the place called Powless's Hook to the City of New York; and boats properly constructed, as well for the convenience of Passengers as for the carrying over of Horses and Carriages, do now constantly ply from one shore to the other.' The route to Philadelphia prior to that time had been by boat to Amboy to connect with the stage, but it was desirable to quicken the journey by making it an all-stage route. A landing-place for the passengers was secured at Paulus Hook from still another Cornelius Van Vorst. He sold Cornelissen, one of the ferrymen, a site for a tavern, afterwards known as Major Hunt's tavern; but he did not scruple to endeavor to secure the ferry afterwards for himself, for in 1766 he petitioned the New York Common Council for the exclusive privilege of ferriage between New York and Paulus Hook, which, however, was refused him.

"It was not till 1804 that capitalists realized the future importance of Paulus Hook and commissioned lawyer Anthony Dey to negotiate with Cornelius Van Vorst for its purchase. Alexander Hamilton examined the title and acted as counsel with Anthony Dey. On February 22d, 1804, Van Vorst transferred the property to Dey, in consideration of an annuity of $6,000, equivalent to a lump sum of $100,000.

"The sale was made subject to a lease of Paulus Hook, which Van Vorst had made to Major Hunt, the keeper of the tavern where the stage put up, which lease was to expire May 1st, 1805. The concluding words of the description of property in the deed were as follows: 'And so along to the North bay called Harsimus bay, of the North or Hudson's river aforesaid and so to extend into the river and bays aforesaid as far as the right of the said Cornelius Van Vorst extends; together with the right of ferry from thence across Hudsons river.' This deed was acknowledged before Daniel Van Reipen, a Judge of the Inferior Court of Common Pleas of Bergen county.

"By another contract dated a month later Anthony Dey agreed to keep in repair a road on the causeway adjoining Paulus Hook without any expense to Van Vorst; to pay one-half of Major Hunt's outlay on the new wharf and landing at the ferry, and a fair valuation for his buildings. An indorsement on this contract signed by David Hunt shows that the buildings in Paulus Hook in 1804 were not numerous. It was 'The buildings to be paid for are a dwelling house that Murphy lives in, the bay scales, a store house, the shed, and six small stables, a large cistern, and two pumps.' Van Vorst had agreed to pay Hunt for 'the old dwelling house, and the two large stables.'

"By an agreement dated April 16th, 1804, David Hunt surrendered his lease at once, and Anthony Dey agreed that 'David Hunt shall have the privilege of three days' horse racing upon the course on the Hook within the course

of the next month.' By another agreement Dey leased to Major Hunt the right of the ferry from Paulus Hook to New York at an annual rent of $1,500.

"On April 18th, 1804, Anthony Dey and wife, of New Yord City, conveyed Paulus Hook to Abraham Varick, of the same city, merchant. The conveyance, which included the ferry right and buildings, was subject to a mortgage to secure the payment of Van Vorst's annuity. The next day Abraham Varick conveyed to Richard Varick, Jacob Radcliff and Anthony Dey, as tenants in common, the lands on Paulus Hook, together with the right of ferry. Reference was made in the deed to a map that had been made for the projectors, by Joseph F. Mangin, of New York. Hudson street was projected along the river front. 'Also,' the deed continued, 'the present wharves and the right of soil from high to low water mark, to extend from North to South the breadth of 480 feet on Hudson street, and the right and title to the land under water in Hudson's river, opposite to the said premises above granted, together with the exclusive right of ferry from Paulus Hook to the city of New York and elsewhere.' This document shows that the ancient proprietors of Paulus Hook made a claim no less sweeping of their right to sell the water front than that which is now made by their successors, 'The Associates of the Jersey Company.' This deed and the foregoing were acknowledged before Judge James Kent, afterwards New York's greatest Chancellor.

"By a covenant in the deed it was agreed to affix such a rental of the land as would pay the $6,000 annuity to Van Vorst until it should be released or extinguished, when the money should be applied to their own use.

"They also covenanted to unite with the purchasers of lots of the future city, in an application to the New Jersey Legislature for a law to incorporate Trustees for the fund so raised.

"By an agreement dated October 11th, 1804, it appeared that Varick, Radcliff and Dey, with their associates, had divided up the land on Paulus Hook into one thousand shares, and the following list of shareholders gives the first record of the names of those associated with them in the purchase: Richard Varick, Jacob Radcliff and Anthony Dey, each 100 shares; Joseph Bloomfield, 20; J. N. Cumming, 50; William Halsey, 50; Alexander C. McWhorter, 30; Elisha Boudinot, 5; Samuel Boyd, 20; Archibald Gracie, 40; John B. Coles, 40; James Thomson, 20; David B. Ogden, 20; John Wells, 30; John Radcliff, 20; John Rhea, 20; David Hunt, 20; Joseph Lyon, 20; David Dunham, 20; Abraham Varick, 20; Peter W. Radcliff, 40; Samuel Hayes, Jr., 5; William S Pennington, 20; L. S. Panbell, 20; William V. Wolf, 40; Aaron Ogden, 25; William Radcliff, Jr., 20; Samuel Pennington, 5; John A. Davenport, 10; J. E. A. Birch, 10; E. Leavenworth, 20; Isaac Williamson, 20; Amasa Jackson, 5; Thomas Ward, 10; Isaac Kibbe, 5.

"Varick, Radcliff and Dey are well known in the history of New York. Elisha Boudinot, J. N. Cumming, William S Pennington and Alexander C. McWhorter were distinguished citizens of Newark. Boudinot, brother of Elias Boudinot, of Revolutionary fame in the Continental Congress was chosen Secretary of the New Jersey Council of Safety during the Revolution, and was for seven years a Justice of the New Jersey Supreme Court. Colonel Aaron Ogden's term as Senator in Congress had ended the year before the purchase of Paulus Hook, and he was elected Governor in 1812. He had served with distinction in the Revolutionary War. He was succeeded in the Governorship by William S Pennington, another of the Associates who had been a Lieutenant under Washington. He also was a Justice of the New Jersey Supreme Court, and afterwards a Judge of the United States District Court in New Jersey. Boudinot, Pennington and Cumming were Directors in the Newark Banking and Insurance Company, of which Boudinot was President. It was organized in May, 1804, during the negotiations for the purchase of Paulus Hook, and had secured authority to establish a branch at Paulus Hook, in contemplation of the success of this early speculation in Jersey City lots.

It was Elisha Boudinot and General Cumming with other Newarkers interested in Paulus Hook who started Robert Fulton with a capital of $50,000 in the building of steam ferryboats for their new franchise. The first boat furnished, 'The Jersey,' made her first regular trips July 17th, 1812.

"Joseph Bloomfield, who held twenty shares in the Associates stock, was Governor at the time of the purchase of Paulus Hook. Three of the Associates, Bloomfield, Ogden and Pennington, held the New Jersey Governorship during the twelve years from 1803 to 1815; a fourth, Isaac H. Williamson, father of ex-Chancellor Williamson, was Governor another twelve years, from 1817 to 1829. As before the Constitution of 1844 the Governor's term was but one year, it is apparent that the purchasers of Paulus Hook had associated with them the leading men in New Jersey affairs.

"One month after the apportionment of the shares of Paulus Hook property, November 10th, 1804, the shareholders received a perpetual charter as 'The Associates of the Jersey Company.' It was drawn by Alexander Hamilton. It allowed them to elect their own Trustees to carry out the covenant in regard to paying Van Vorst his annuity. Sections 2 and 3 of the charter provide:

"'SEC. 2. That the said Associates and their successors shall have power to make and lay out all streets and squares upon all and every part of the said premises, and to establish such as have already been laid out, and from time to time to regulate the same, * * * and to order and regulate the building sf all d cks, piers and wharves, and of storehouses and buildings thereon.

"'SEC. 3. That the said Ass ciates shall have the privilege of erecting or building any docks, wharves and piers opposite to and adjoining the said premises on the Hudson river and the bays thereof, as far as they may deem it necessary for the improvement of the said premises or the benefit of commerce, and to appropriate the same to their own use.'

"The Associates claim that under these sections, which have never been repealed except as regards the governmental powers contained therein, the right to maintain their docks as at present located cannot be taken away by Jersey City: that the corporation of Jersey City never owned or pretended to own the water front, as New York does hers, under a special grant, and that the Associates do own such parts of it as they have not conveyed away.

"The annuity to Cornelius Van Vorst was soon se tled up, and the first and second dividends of three per cent. each were paid to the Associates in 1813. The lands were gradually disposed of until nothing remained unsold but the made land east of Hudson street, the most easterly street shown by their original map of the contemplated improvement of Paulus Hook, and it is over this made land that the Jersey City Aldermen propose to push the streets to tide-water.

"Previous attempts were made in 1850 and again in 1869 by the Aldermen to assert their right to extend the streets over the lands of the Associates, but the New Jersey courts decided against them.

"Ex-Senator Leon Abbett, Corporation Counsel of Jersey City, declares his confidence in the success of the suits he has brought for the extension of these streets."

APPENDIX B.

This letter from Charles C. Black, President of the State Tax Board, as to the extent to which the Railroad Tax act equalizes the tax burdens between the railroads and the individuals, may be of interest:

"The points involved in your inquiry are not new ones to me. From my observation, I would say that the average tax rate throughout the various taxing districts of New Jersey would be about $1.50 on the hundred, or $15 per thousand of ratables. I made a calculation in the year 1893, with all the various tax rates before me, and it amounted to about that sum. You understand, of course, that the tax rate varies in the different taxing districts from year to year, but the total average does not vary much from the above-indicated, according to my observation and calculation.

Second. It is a fact that a large proportion of the personal property of individuals escapes taxes—more so in some districts than in others—and this is particularly so in the large cities, where personal property is so easily concealed from the Assessors. Thus: For the year 1894 the relative value of personal property to real estate in Hudson county was $8\frac{1}{10}$ per cent. of the realty; in Camden county it was $7\frac{9}{10}$ per cent. of the realty, while in Hunterdon county it was $37\frac{7}{10}$ per cent. of the realty, and in Mercer county it was $25\frac{4}{10}$ per cent. of the realty; in Salem county it was $33\frac{6}{10}$ per cent. of the realty; in Somerset county it was $29\frac{7}{10}$ per cent. of the realty; in Sussex county it was $30\frac{8}{10}$ per cent. of the realty, while in Essex county it was $17\frac{1}{10}$ per cent. of the realty. It is also true that in the assessment of real estate there are but few taxing districts and counties in which the realty is assessed at its true or cash value. It ranges from 50 per cent. to its true or cash value on up.

"The application to be made of this fact to the inquiry you make in comparison with railroad property is this: I think it is a fact, as shown from the reports of the State Board of Assessors, that the railroad property, both real and personal, including their franchises, is assessed by that Board at substantially its true or cash value, which, of course, is in excess in valuation of the realty and personalty of individuals. The tax rate, particularly in the cities, is larger or higher than that of the railroads, but the increased value plus the assessment of all the personalty of the railroads, would, in my judgment and observation, substantially counterbalance the great amount of personalty of individuals that escape taxes and the low percentage of value of the realty, in most of the counties, of individuals; therefore I have thought that, so far as equality is concerned, the practical effect is not so unequal. There is this observation, however, to be made, namely, that, by reason of the railroad property paying the large proportion of the State expenses, based upon its value, and as the greater proportion or bulk of such property is located in Hudson county, it throws upon that county, indirectly, the greater proportion of the State expenses. I think this is an evil for which the citizens of this county have some just cause of complaint.

"I am not quite clear in my mind as to the proper remedy to rectify this inequality as against Hudson county, in comparison with the other counties, but I think if the railroad property should be assessed under the act of 1884 and by the Board of Assessors, and the whole amount of tax derived therefrom were gathered into a bulk and then each county should contribute toward the expenses of the government in proportion to the sum total of the entire valuations of each county, and the remainder should then be distributed to the counties in proportion to the property therein located, it would be an improvement.

"I am thoroughly convinced that the principle of assessment involved in the act of 1884 by the State Board of Assessors for the purpose of assessing railroad property as distinct from the local Assessors for that purpose, is a sound one.

"Hoping that these observations answer your questions,

"I remain yours, &c.,

"CHAS. C. BLACK."

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